The Journal OF THE House of Representatives

Number 21 **Thursday, April 27, 2006**

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend David Rawls of First United Methodist Church of Umatilla, upon invitation of Rep. Hays:

O God, as we gather this morning as leaders of the Florida House of Representatives, Father, we thank You, as You have called us as people who have been elected and people who have been called to serve You. Father, we ask that You would make us bold to follow the ways of Your commandments by standing in Your presence this day. Father, help us to bear witness to Your grace and mercy as You guide us in the work of this legislative body, representing the people of our community. Father, may Your light shine through each of us this day, so as men and women they will be seeing the good works through us and give glory to You, O Lord. May You remind us this morning that You do not call us to be successful in our legislative duties as much as You call us to be faithful as servant-leaders for Your people. Father, help us to realize that You do not call us to the achievement of passing bills, but to live responsibly as men and women seeking Your guidance for our lives. Remind us, as well, that You do not call us to make a great fortune, but to serve You and thank You for the gifts You have given us, as You have given us our lives.

Lord, we ask that You would guide us this day in a greater understanding of Your priorities for our lives as leaders called to serve. And Lord, as You have anointed these leaders and leaders of past and called prophets of old, Father, help us to recognize as leaders today to be true representatives and authentic men and women who love Your people. May we be leaders who walk alongside Your people, feel their pain, share their joys, dream their dreams, and empower them to accomplish their common goal. And so, in Your presence today and with Your spirit, embolden and commission these leaders and this body to transform the political system, to serve Your people, and to bring a real glory to Your name. Father, in this we ask Your blessings and we give You praise and glory for this day and for our very lives. And, Father, in all this we ask, in Your name. Amen.

The following members were recorded present:

Session Vote Sequence: 913

Speaker Bense in the Chair.

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

(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: Jack Moyle of Tallahassee at the invitation of Rep. Ausley; Michael Naughton of Palm Coast at the invitation of Rep. Proctor; Alejandro Real of Miami at the invitation of Rep. Llorente; and Charlene-Jade Service of Homestead at the invitation of Rep. Bullard.

House Physician

The Speaker introduced Dr. Carol Ann Hodges of Tampa, who served in the Clinic today upon invitation of Rep. Homan.

Correction of the *Journal*

The *Journal* of April 26 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense April 25, 2006

Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Thursday, April 27, 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:

HB 7225 CS - Insurance Committee, Ross, & others
Property and Casualty Insurance

HB 7227 CS - Insurance Committee, Ross, & others
Florida Hurricane Damage Prevention Trust Fund

HB 7263 CS - Insurance Committee, Ross
Motor Vehicle Insurance

HB 517 CS - Ross
Self-Insurance Funds

HM 541 CS - Ross, Allen, & others
National Catastrophe Insurance Program

HB 561 CS - Rivera, Hasner
Offenses Involving Insurance

II. Consideration of the following bills:

HB 1435 CS - Harrell
Division of Emergency Management of the Department of Community Affairs

HB 7121 CS - Domestic Security Committee, Adams, & others
Disaster Preparedness Response and Recovery

HB 7139 CS - Health Care General Committee, Harrell, & others
Emergency Management

HB 645 CS - Gelber, Benson, & others
Nursing Home Facilities

HB 661 CS - Arza, Zapata
Governmental Services Telephone Systems

HB 911 CS - Bullard
Use of State Facilities as Emergency Shelters

HB 1359 CS - Benson
Hazard Mitigation for Coastal Redevelopment

III. Consideration of the following bills:

HB 7109 CS - Finance & Tax Committee, Brummer
Homestead Property Assessments

HJR 7037 CS - Judiciary Committee, Simmons, & others
Two-Thirds Vote for Amendment Increasing State Tax of Fee or Resulting in Significant State Spending

HB 391 CS - Domino
Community Associations

HB 1123 CS - Sansom, Rubio, & others
Government Accountability

HB 1125 CS - Sansom, Rubio, & others
Public Records

HB 7075 CS - Agriculture Committee, Poppell, & others
Agriculture

HB 7131 - Environmental Regulation Committee, Needelman, & others
Redevelopment of Brownfields

HB 7141 CS - Health Care Regulation Committee, Garcia
Licensure of Health Care Providers

HB 7159 CS - Agriculture Committee, Poppell
Agriculture

HB 817 CS - Murzin, Farkas, & others
Telecommunications Services

HB 683 CS - Traviesa, Carroll, & others
Growth Management

IV. Consent Calendar. Consideration of the following bill(s):

HB 23 CS - Jordan, Altman, & others
Bicycle Safety

HB 67 CS - Sobel, Ambler, & others
Automated External Defibrillator Devices

HB 93 CS - Henriquez, Ambler, & others
Automated External Defibrillators

HB 111 CS - Anderson, Needelman, & others
Defibrillators in State Parks

HB 133 CS - Anderson, Bucher, & others
Student Voter Education

HB 275 CS - Detert, Bucher, & others
Motor Vehicle Insurance for Foster Children

HB 283 CS - Kreegel, Allen, & others
Correctional Probation Officers

HB 513 CS - Bilirakis, Farkas, & others
Career and Professional Academies

HB 585 CS - Hukill, Murzin, & others
Inmate Litigation Costs

HB 587 CS - Galvano, Bilirakis, & others
Health Care Practitioners

HB 639 - Kyle
Building Designations

HB 849 CS - Flores, Quinones, & others
Regulation of Foreign Language Court Interpreters

HB 1033 CS - Vana, Zapata
Child Abuse

HB 1039 CS - Garcia, Seiler, & others
Miami-Dade County Lake Belt Area

HB 1097 CS - Vana
Public Records

HB 1113 CS - Lopez-Cantera, Flores
Insurance Agents

HB 1129 CS - Henriquez, Flores, & others
Florida State Employees' Charitable Campaign

HB 1139 CS - Murzin, Altman, & others
Construction Defects

HB 1157 CS - Mayfield, Littlefield, & others

Dental Charting

HB 1231 CS - Ausley, Sobel, & others
Child Care

HB 1247 CS - Kravitz, Sobel
Developmental Disabilities

HB 1269 CS - Cusack
Local Occupational License Taxes

HB 1325 CS - Culp, Baxley
Controlled Substances

HB 1327 CS - Davis, D.
Transition Services for Adolescents and Young Adults with Disabilities

HB 1351 CS - Reagan, Cretul
Contracting

HB 1357 CS - Altman
Growth Management

HB 1361 CS - Brown
Insurance

HB 1369 CS - Evers, Murzin
Public Records and Public Meetings

HB 1373 CS - Attkisson, Arza
Supplemental Educational Services

HB 1409 CS - Benson, Sobel
Florida Health Information Network

HB 1411 CS - Benson
Public Records

HB 1415 CS - Sansom, Allen, & others
Traffic Control

HB 1443 CS - Russell, Traviesa
Liens

HB 1447 CS - Reagan
Denial of Development Permits

HB 1533 - Sands, Allen
Petroleum Contamination

HB 7055 CS - Economic Development, Trade & Banking Committee, Bilirakis
Enterprise Zones

HB 7107 CS - Economic Development, Trade & Banking Committee, Bilirakis, & others
Trademarks

HB 7177 - Criminal Justice Committee, Kravitz
Time Limitations for Criminal Prosecutions

HB 7187 - Criminal Justice Committee, Kravitz
Criminal Justice

HB 7199 CS - Future of Florida's Families Committee, Galvano
Forensic Treatment and Training

HB 7201 - Criminal Justice Committee, Kravitz
Voyeurism

HB 973 CS - Sobel
South Broward Drainage District, Broward County

HB 1161 - Machek
Okeechobee County

HB 1183 CS - Russell
Hernando County Special Election Validation

HB 1219 - Joyner, Ambler, & others
City of Tampa, Hillsborough County

HB 1245 - Sobel
North Broward Hospital District, Broward County

HB 1413 CS - Brown
Argyle Fire District, Walton County

HB 1531 CS - Brandenburg
West Palm Beach Water Catchment Area, Palm Beach County

HB 1631 - Domino
Village of North Palm Beach, Palm Beach County

HB 495 CS - Bean
Baker County

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.

Consent Calendar Procedure

The Honorable Allan G. Bense April 25, 2006
Speaker, House of Representatives

Dear Mr. Speaker:

Re: Consent Calendar Procedure for April 27, 2006

Pursuant to Rule 10.13, The Rules & Calendar Council hereby submits the following Consent Calendar procedure to govern bills placed in the Consent Calendar section of the Special Order Calendar for April 27, 2006. Because the bills will be read twice on the same day, adoption of this procedure requires a two-thirds vote. For purposes of this procedure, “Consent Calendar” means the Consent Calendar section of the Special Order Calendar for April 27, 2006.Adoption of this procedure will constitute consent on the part of the House to:

Procedure:

- Any member may object to a bill on the Consent Calendar by filing a written objection with the Rules & Calendar Council by 8:00 a.m., Thursday, April 27,. 2006, or by a show of five hands during the reading of the bill.

- Any bill to which an objection has been filed will be considered separately at the end of the Special Order Calendar.

- Each bill will be read a second time by title. If a Senate Bill is paired, the Senate Bill will immediately read a second time by title and the Speaker will announce, "Show the Senate Bill substituted and considered in lieu of the House Bill".

- If there are no amendments, the bill will be read a third time by title prior to the sponsor being recognized for an explanation.

- If there are amendments, the amendments will be explained and considered. At the conclusion of all amendments, the bill will be read a third time by title.

- Bills that take over minutes after second reading for the amendatory process, explanation, third reading and debate will be considered separately at the end of the Special Order Calendar.

- After third reading and any further explanation, a debate will be limited to whatever remains of the three minutes following second reading. At the end of the three minutes, the Speaker will order the vote.

- Adoption of this procedure will constitute consent on the part of the House to:

  - The substitution of any Senate Bill and its consideration in lieu of its House companion paired on the Consent Calendar,
  - A blanket motion to waive the Rules and read each bill a second and third time by title on the same day, followed by a vote on final passage,
  - Limiting explanation, any amendments, third reading and debate to three minutes per bill after it has been read a second time by title.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the above procedure was adopted by the required two-thirds vote.

Remarks

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

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

Special Orders

HB 7225—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising a definition; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; revising certain revenue bond emergency assessment requirements; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of Department of Community Affairs in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; providing a purpose; requiring the Department of Community Affairs to establish a wind certification and hurricane mitigation inspection program; specifying inspection requirements; providing qualification requirements for inspection providers; requiring the department to adopt rules; creating s. 252.63, F.S.; providing purpose and intent; providing powers of the Commissioner of Insurance Regulation during a state of emergency; providing a purpose and intent; authorizing the commissioner to issue certain orders in a state of emergency; providing for effect and duration of such orders; providing for legislative termination of such orders; requiring the commissioner to publish such orders and an explanatory statement; amending s. 626.918, F.S.; authorizing certain letters of credit to fund an insurer's required policyholder protection trust fund; providing a definition; amending s. 627.062, F.S.; specifying certain rate filings as not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; specifying approval of certain rate filings under certain circumstances; providing an exception; requiring the office to provide annual reports on the impact of certain rate regulations; specifying report requirements; amending s. 627.0628, F.S.; prohibiting certain office or consumer advocate questions of certain models reviewed by the commission; amending s. 627.06281, F.S.; prohibiting the office from using certain hurricane loss projection models under certain circumstances; amending s. 627.351, F.S., relating to the Citizens Property Insurance Corporation; providing additional legislative intent; specifying application to homestead property; specifying the existing three separate accounts of the corporation as providing coverage only for homestead property; providing a definition; providing for an additional separate account for nonhomestead property; requiring separate maintenance of revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account; providing authority and requirements for coverage rates for nonhomestead properties; providing for office review of such rates or rating plans for being inadequate or unfairly discriminatory; authorizing the office to order discontinuance of certain policies under certain circumstances; requiring insurers to maintain certain records; providing for reducing regular assessments by the Citizen policyholder surcharge under certain circumstances; providing for deficit assessments against nonhomestead account policyholders under certain circumstances; authorizing the board of governors of the corporation to make loans from the homestead accounts to the nonhomestead account under certain circumstances; specifying ineligibility of certain nonhomestead account policyholders for certain coverage under certain circumstances; revising the requirements of the plan of operation of the corporation; requiring additional procedures for determining eligibility of a risk for coverage; providing for determination of regular assessments to which the Citizen policyholder surcharge applies; specifying a minimum requirement for a hurricane deductible for certain property; specifying contents of required statements in applications for nonhomestead and homestead account coverage; limiting coverage on certain mobile or manufactured homes; requiring the corporation to purchase certain catastrophe reinsurance; providing additional legislative intent relating to rate adequacy in the residual market; deleting provisions relating to a rate methodology panel appointed by the corporation; providing requirements and limitations for a corporation adopted bonus payment program; providing a criterion for calculating reduction or increase in probable maximum loss; delaying application of certain high-risk area boundary reduction provisions; providing for application of provisions relating to homestead and nonhomestead accounts to certain policies; requiring certain corporation employees to comply with certain ethics code requirements; requiring corporation employees to notify the Division of Insurance Fraud of probable commissions of fraud by corporation employees; requiring the corporation to report on the feasibility of requiring authorized insurers to issue and service specified policies of the corporation; specifying report requirements; providing immunity to producing agents and employees for specified actions taken relating to removal of policies from the corporation; providing a limitation; providing legislative intent; creating a High Risk Eligibility Panel; providing for appointment of panel members and member's terms; providing for administration of the panel by the corporation; prohibiting compensation and per diem and travel expenses; providing an exception; requiring the panel to report annually to the Legislature on the certain areas that should be included in the Citizens Property Insurance Corporation high risk account; specifying factors to be considered by the panel; providing duties of the office; authorizing the office to conduct public hearings; requiring the panel to conduct an analysis of property eligible for the high-risk account in specified areas; requiring the panel to submit a report to the office and corporation; providing requirements of the report; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; providing construction

relating to limiting the liability of an insurer for certain replacement costs; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; deleting application to personal property; requiring insurers to issue separate checks for certain expenses and requiring certain checks to be issued directly to a policyholder; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; prohibiting certain conflicting emergency rules; amending s. 627.727, F.S.; correcting a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; amending s. 631.54, F.S.; defining the term "homeowner's insurance"; amending s. 631.55, F.S.; correcting a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 817.234, F.S.; providing an additional circumstance that constitutes committing insurance fraud; creating the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes; providing for administration by the office; specifying additional agency administrative staff; providing for appointment of task force members; requiring members to serve without compensation; providing for per diem and travel expenses; providing purpose and intent; requiring the task force to address specified issues; requiring a report to the Governor, Chief Financial Officer, and Legislature; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures and decreases in policyholder hurricane deductibles based on policyholder hurricane damage mitigation measures; providing report requirements; providing duties of the office; providing appropriations; providing effective dates.

The Commerce Council recommended the following:

HB 7225 CS—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising a definition; authorizing the State Board of Administration to make available to certain insurers a contract to cede certain portions of surplus to the Florida Hurricane Catastrophe Fund; providing contract criteria and requirements; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; deleting a revenue bond issuance prohibition and validation requirement; revising certain revenue bond emergency assessment requirements; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; creating an advisory council; providing for appointment of members; specifying service without compensation; providing for per diem and travel expense reimbursements; requiring the department to adopt rules; creating the Manufactured Housing and Mobile Home Hurricane Mitigation Program for certain purposes; requiring the Department of Community Affairs to develop the program in consultation with certain entities; specifying requirements of the program; specifying the program as a matching grant program for improvement of mobile homes and manufactured homes; providing for distribution of the grants to the Department of Community Affairs for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for certain manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; amending s. 626.918, F.S.; authorizing certain letters of credit to fund an insurer's required policyholder protection trust fund; providing a definition; amending s. 627.062, F.S.; specifying certain rate filings as not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; revising provisions providing for recoupment of certain reinsurance costs; specifying nonapplication to certain types of insurance; specifying approval of certain rate filings under certain circumstances; providing an exception; requiring the office to provide annual reports on the impact of certain rate regulations; specifying report requirements; amending s. 627.0628, F.S.; prohibiting certain office or consumer advocate questions of certain models reviewed by the commission; amending s. 627.0645, F.S.; authorizing the office to exempt certain companies from certain rate filing and rate certification requirements; amending s. 627.06281, F.S.; prohibiting the office from using certain hurricane loss projection models under certain circumstances; amending s. 627.351, F.S., relating to the Citizens Property Insurance Corporation; providing additional legislative intent; specifying application to homestead property; specifying the existing three separate accounts of the corporation as providing coverage only for homestead property; providing a definition; providing for an additional separate account for nonhomestead property; requiring separate maintenance of revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account; providing authority and requirements for coverage rates for nonhomestead properties; providing for office review of such rates or rating plans for being inadequate or unfairly discriminatory; authorizing the office to order discontinuance of certain policies under certain circumstances; requiring insurers to maintain certain records; providing for reducing regular assessments by the Citizen policyholder surcharge under certain circumstances; providing for deficit assessments against nonhomestead account policyholders under certain

circumstances; authorizing the board of governors of the corporation to make loans from the homestead accounts to the nonhomestead account under certain circumstances; specifying ineligibility of certain nonhomestead account policyholders for certain coverage under certain circumstances; revising the requirements of the plan of operation of the corporation; requiring additional procedures for determining eligibility of a risk for coverage; providing for determination of regular assessments to which the Citizen policyholder surcharge applies; specifying a minimum requirement for a hurricane deductible for certain property; specifying contents of required statements in applications for nonhomestead and homestead account coverage; requiring the corporation to limit coverage on certain mobile homes or manufactured homes; providing additional legislative intent relating to rate adequacy in the residual market; revising provisions relating to a pilot program in Monroe County; deleting provisions relating to a rate methodology panel appointed by the corporation; providing requirements and limitations for a corporation adopted bonus payment program; specifying absence of liability of producing agents of record of the corporation and employees for a take-out insurer's insolvency; deleting provisions for immunity for certain persons and entities; providing a criterion for calculating reduction or increase in probable maximum loss; providing bankruptcy petition limitations; delaying application of certain high-risk area boundary reduction provisions; providing for application of provisions relating to homestead and nonhomestead accounts to certain policies; requiring certain corporation employees to comply with certain ethics code requirements; requiring corporation employees to notify the Division of Insurance Fraud of probable commissions of fraud by corporation employees; requiring the corporation to report on the feasibility of requiring authorized insurers to issue and service specified policies of the corporation; specifying report requirements; providing immunity to producing agents and employees for specified actions taken relating to removal of policies from the corporation; providing a limitation; providing legislative intent; creating a High Risk Eligibility Panel; providing for appointment of panel members and member's terms; providing for administration of the panel by the corporation; prohibiting compensation and per diem and travel expenses; providing an exception; requiring the panel to report annually to the Legislature on the certain areas that should be included in the Citizens Property Insurance Corporation high risk account; specifying factors to be considered by the panel; providing duties of the office; authorizing the office to conduct public hearings; requiring the panel to conduct an analysis of property eligible for the high-risk account in specified areas; requiring the panel to submit a report to the office and corporation; providing requirements of the report; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; providing construction relating to limiting the liability of an insurer for certain replacement costs; amending s. 627.701, F.S.; providing additional authorization and requirements for hurricane deductibles for renewal periods; requiring insurers to provide insureds with certain deductible selection options after hurricane mitigation measures are taken; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; deleting application to personal property; requiring insurers to issue separate checks for certain expenses and requiring certain checks to be issued directly to a policyholder; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; prohibiting certain conflicting emergency rules; amending s. 627.727, F.S.; correcting a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; amending s. 631.54, F.S.; defining the term "homeowner's insurance"; amending s. 631.55, F.S.; correcting a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 817.234, F.S.; providing an additional circumstance that constitutes committing insurance fraud; creating the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes; providing for administration by the office; specifying additional agency administrative staff; providing for appointment of task force members; requiring members to serve without compensation; providing for per diem and travel expenses; providing purpose and intent; requiring the task force to address specified issues; requiring a report to the Governor, Chief Financial Officer, and Legislature; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures ; providing report requirements; providing duties of the office; providing appropriations; specifying uses and purposes of appropriations; providing effective dates.

—was read the second time by title.

Representative(s) Ross offered the following:

(Amendment Bar Code: 074037)

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

Section 1. Paragraph (d) of subsection (2), paragraphs (b), (c), and (d) of subsection (4), paragraph (b) of subsection (5), and paragraphs (a) and (b) of subsection (6) of section 215.555, Florida Statutes, are amended, and paragraph (e) is added to subsection (5) of that section, to read:

215.555 Florida Hurricane Catastrophe Fund.--

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

(d) "Losses" means direct incurred losses under covered policies, which shall include losses for additional living expenses not to exceed 40 percent of the insured value of a residential structure or its contents and shall exclude loss adjustment expenses. "Losses" does not include losses for fair rental value, loss of rent or rental income ~~use~~, or business interruption losses.

(4) REIMBURSEMENT CONTRACTS.--

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All

members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers qualifying as limited apportionment companies under s. 627.351(6)(c)14. a contract which cedes to the fund, after retention, an amount of up to $1 million. The rate to be charged for this coverage shall be 50 percent rate-on-line which includes one prepaid reinstatement. The minimum retention level that a carrier must retain is 30 percent of surplus as of June 1, 2006. This coverage shall be in addition to all other coverage which may be provided under this section. This provision shall expire May 31, 2007.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the ~~cash~~ balance of the fund as of December 31 as defined by rule which occurred over the prior calendar year.

2. In May before the start of the upcoming contract year and in October during the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall:

~~a. First reimburse insurers writing covered policies, which insurers are in full compliance with this section and have petitioned the Office of Insurance Regulation and qualified as limited apportionment companies under s. 627.351(2)(b)3. The amount of such reimbursement shall be the lesser of $10 million or an amount equal to 10 times the insurer's reimbursement premium for the current year. The amount of reimbursement paid under this sub-subparagraph may not exceed the full amount of reimbursement promised in the reimbursement contract. This sub-subparagraph does not apply with respect to any contract year in which the year-end projected cash balance of the fund, exclusive of any bonding capacity of the fund, exceeds $2 billion. Only one member of any insurer group may receive reimbursement under this sub-subparagraph.~~

a.~~b.~~ ~~Next~~ Pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year; provided, entities created pursuant to s. 627.351 shall be further reimbursed in accordance with sub-subparagraph b. ~~c.~~

b.~~c.~~ Thereafter, establish the prorated reimbursement level at the highest level for which any remaining fund balance or bond proceeds are sufficient to reimburse entities created pursuant to s. 627.351 based on reimbursable losses exceeding the amounts payable pursuant to sub-subparagraph a. ~~b.~~ for the current contract year.

(5) REIMBURSEMENT PREMIUMS.--

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each $1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, ~~a factor providing for more rapid cash buildup in the fund until the fund capacity for a single hurricane season is fully funded,~~ and other such factors deemed by the board to be appropriate. The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula shall include a factor of 25 percent of the fund's actuarially indicated premium in order to provide for more rapid cash buildup in the fund. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(e) For purposes of paragraph (c), if the corporation assumes or otherwise provides coverage for policies of insurers placed in liquidation under chapter 631 pursuant to s. 627.351(6)(m)5., the corporation shall notify the board of its insured values with respect to such policies within 60 days after such assumption or other coverage transaction and the fund shall treat such policies as having been in effect as of June 30 of that year. For purposes of subsection (4), Citizens Property Insurance Corporation may enter into a separate reimbursement contract with respect to such policies and, if so, shall be treated by the fund as a separate insurer with respect to such policies until their first renewal effective date.

(6) REVENUE BONDS.--

(a) General provisions.--

1. Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contracts, the board may take the necessary steps under paragraph (c) or paragraph (d) for the issuance of revenue bonds for the benefit of the fund. The proceeds of such revenue bonds may be used to make reimbursement payments under reimbursement contracts; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the board may determine. The term of the bonds may not exceed 30 years. The board may pledge or authorize the corporation to pledge all or a portion of all revenues under subsection (5) and under paragraph (b) to secure such revenue bonds and the board may execute such agreements between the board and the issuer of any revenue bonds and providers of other financing arrangements under paragraph (7) (b) as the board deems necessary to evidence, secure, preserve, and protect such pledge. If reimbursement premiums received under subsection (5) or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the moneys derived from assessments under paragraph (b). The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for

the payment of such bonds. The board may also enter into agreements under paragraph (c) or paragraph (d) for the purpose of issuing revenue bonds in the absence of a hurricane upon a determination that such action would maximize the ability of the fund to meet future obligations.

2. The Legislature finds and declares that the issuance of bonds under this subsection is for the public purpose of paying the proceeds of the bonds to insurers, thereby enabling insurers to pay the claims of policyholders to assure that policyholders are able to pay the cost of construction, reconstruction, repair, restoration, and other costs associated with damage to property of policyholders of covered policies after the occurrence of a hurricane. ~~Revenue bonds may not be issued under this subsection until validated under chapter 75. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.~~

(b) Emergency assessments.--

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written ~~future~~ premium ~~collections~~ and is subject to annual adjustments by the board ~~to reflect changes in premiums subject to assessments collected under this subparagraph~~ in order to meet debt obligations. The same percentage shall apply to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph shall continue for as long as ~~until~~ the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from ~~With respect to each insurer collecting premiums that are subject to the assessment, the insurer shall collect the assessment at the same time as it collects the premium payment for each policy and shall remit the assessment collected to the fund or corporation as provided in the order issued by~~ the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless and until the Office of Insurance Regulation and the Florida Surplus Lines Service Office have received from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. When an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. When a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2010 ~~2007~~, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2010 ~~2007~~.

Section 2. Section 215.558, Florida Statutes, is created to read:

215.558 Florida Hurricane Damage Prevention Endowment.--

(1) PURPOSE AND INTENT.--The purpose of this section is to provide a continuing source of funding for financial incentives to encourage residential property owners of this state to retrofit their properties to make them less vulnerable to hurricane damage, to help decrease the cost of residential property and casualty insurance, and to provide matching funds to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties. It is the intent of the Legislature that this section be construed liberally to effectuate its purpose.

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

(a) "Board" means the State Board of Administration.

(b) "Corpus" means the money that has been appropriated to the endowment by the 2006 Legislature, together with any amounts subsequently appropriated to the endowment that are specifically designated as contributions to the corpus and any grants, gifts, or donations to the endowment that are specifically designated as contributions to the corpus.

(c) "Earnings" means any money in the endowment in excess of the corpus, including any income generated by investments, any increase in the market value of investments net of decreases in market value, and any appropriations, grants, gifts, or donations to the endowment not specifically designated as contributions to the corpus.

(d) "Endowment" means the Florida Hurricane Damage Prevention Endowment created by this section.

(e) "Program administrator" means the Department of Financial Services.

(3) ADMINISTRATION.--

(a) The board shall invest endowment assets as provided in this section.

(b) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with board policy.

(c) The investment objective shall be long-term preservation of the value of the corpus and a specified regular annual cash outflow for appropriation, as nonrecurring revenue, for the purposes specified in subsection (4).

(d) In accordance with s. 215.44, the board shall report on the financial status of the endowment in its annual investment report to the Legislature.

(e) Costs and fees of the board for investment services shall be deducted from the assets of the endowment.

(4) FINANCIAL INCENTIVES FOR RESIDENTIAL HURRICANE DAMAGE PREVENTION ACTIVITIES.--

(a) Not less than 80 percent of the net earnings of the endowment shall be expended for financial incentives to residential property owners as described in paragraph (b), and no more than the remainder of the net earnings of the endowment shall be expended for matching fund grants to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties as described in paragraph (c). Any funds authorized for expenditure but not expended for these purposes shall be returned to the endowment.

(b)1. The program administrator, by rule, shall establish a request for a proposal process to annually solicit proposals from lending institutions under which the lending institution will provide interest-free loans to homestead property owners to pay for inspections of homestead property to determine what mitigation measures are needed and for improvements to existing residential properties intended to reduce the homestead property's vulnerability to hurricane damage, in exchange for funding from the endowment.

2. In order to qualify for funding under this paragraph, an interest-free loan program must include an inspection of homestead property to determine what mitigation measures are needed, a means for verifying that the improvements to be paid for from loan proceeds have been demonstrated to reduce a homestead property's vulnerability to hurricane damage, and a means for verifying that the proceeds were actually spent on such improvements. The program must include a method for awarding loans according to the following priorities:

a. The highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, located in the areas designated as high-risk areas for purposes of coverage by the Citizens Property Insurance Corporation.

b. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, covered by the Citizens Property Insurance Corporation, wherever located.

c. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, that are more than 40 years old.

d. The next highest priority must be given to all other single-family owner-occupied homestead dwellings insured at $500,000 or less.

3. The program administrator shall evaluate proposals based on the following factors:

a. The degree to which the proposal meets the requirements of subparagraph 2.

b. The lending institution's plan for marketing the loans.

c. The anticipated number of loans to be granted relative to the total amount of funding sought.

4. The program administrator shall annually solicit proposals from local governments and nonprofit entities for projects that will reduce hurricane damage to homestead properties. The program administrator may provide up to 50 percent of the funding for such projects. The projects may include educational programs, repair services, property inspections, and hurricane vulnerability analyses and such other projects as the program administrator determines to be consistent with the purposes of this section.

(5) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to its administration of the endowment. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university selected by the Financial Services Commission who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives selected by the Speaker of the House of Representatives.

(f) Two members of the Senate selected by the President of the Senate.

(g) The senior officer of the Florida Hurricane Catastrophe Fund.

(h) The executive director of Citizens Property Insurance Corporation.

(i) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

Section 3. Section 215.5586, Florida Statutes, is created to read:

215.5586 Florida Comprehensive Hurricane Damage Mitigation Program.--There is established within the Department of Financial Services the Florida Comprehensive Hurricane Damage Mitigation Program. The program shall be administered by an individual with prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.--

(a) Free home-retrofit inspections of site-built, residential property, including single-family, two-family, three-family, or four-family residential units, shall be offered to determine what mitigation measures are needed and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall establish a request for proposals to solicit proposals from wind certification entities to provide at no cost to homeowners wind certification and hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies corrective actions a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the mitigation features.

3. Insurer-specific information regarding premium discounts correlated to recommended mitigation features identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities.

(b) To qualify for selection by the department as a provider of wind certification and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use wind certification and hurricane mitigation inspectors who:

a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures.

b. Have undergone drug testing and background checks.

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

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

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

(a) To be eligible for a grant, a residential property must:

1. Have been granted a homestead exemption under chapter 196.

2. Be a dwelling with an insured value of $500,000 or less.

3. Have undergone an acceptable wind certification and hurricane mitigation inspection.

A residential property which is part of a multi-family residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

(b) All grants must be matched on a dollar-for-dollar basis for a total of $10,000 for the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which mitigation contractors agree to participate and seek reimbursement from the state and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection of up to at least 10 percent of all projects.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property.

(3) LOANS.--Financial incentives shall be provided as authorized by s. 215.558.

(4) EDUCATION AND CONSUMER AWARENESS.--Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.

(5) MANUFACTURED HOUSING AND MOBILE HOME HURRICANE MITIGATION PROGRAM.--The Manufactured Housing and Mobile Home Hurricane Mitigation Program shall be also be implemented under the Florida Comprehensive Hurricane Damage Mitigation Program.

(a) The program shall require the mitigation of damage to homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation shall include, but not be limited to, problems associated with weakened trusses, studs, and other structural components, site-built additions, or tie-down systems and may also address any other issues deemed appropriate by the Department of Financial Services upon consultation with the Department of Community Affairs, Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program may include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

(b) The program shall include the offering of a matching grant to owners of manufactured and mobile homes manufactured after 1993 only. Homeowners accepted for the program shall be eligible to qualify for a $5,000 dollar-for-dollar matching grant in which the homeowner may receive up to $2,500 in state moneys. The moneys appropriated for this program shall be distributed directly to the Department of Financial Services for the uses set forth under this paragraph.

(c) Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium shall be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation shall reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew.

(d) On or before January 1 of each year, the Department of Financial Services shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall set forth the number of manufactured homes and mobile homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured homes or mobile homes and attachments to such homes, and whether there has been an increase of availability of insurance products to owners of manufactured homes or mobile homes.

(6) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to his or her administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(7) FEDERAL FUNDING.-The department shall use its best efforts to obtain grants or funds from the federal government to supplement the financial resources of the program.

(8) RULES.--The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 governing the Florida Comprehensive Hurricane Damage Mitigation Program.

Section 4. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.--

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile

homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

~~(3) By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. Funding for the program shall be used to subsidize or guaranty private sector loans for this purpose to qualified homeowners by financial institutions chartered by the state or Federal Government. The department may enter into contracts with financial institutions for this purpose. The department shall establish criteria for determining eligibility for the loans and selecting recipients, standards for retrofitting homes or mobile homes, limitations on loan subsidies and loan guaranties, and other terms and conditions of the program, which must be specified in the department's report to the Legislature on January 1, 2006, required by subsection (8). For the 2005-2006 fiscal year, the Department of Community Affairs may use up to $1 million of the funds appropriated pursuant to paragraph (2)(a) to begin the low-interest loan program as a pilot project in one or more counties. The Department of Financial Services, the Office of Financial Regulation, the Florida Housing Finance Corporation, and the Office of Tourism, Trade, and Economic Development shall assist the Department of Community Affairs in establishing the program and pilot project. The department may use up to 2.5 percent of the funds appropriated in any given fiscal year ufor administering the loan program. The department may adopt rules to implement the program.~~

(3)~~(4)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (6) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(4)~~(5)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (6) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (8).

(5)~~(6)~~ The Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association.

(6)~~(7)~~ Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(7)~~(8)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(8)~~(9)~~ This section is repealed June 30, 2011.

Section 5. Section 252.63, Florida Statutes, is created to read:

252.63 Commissioner of Insurance Regulation; powers in a state of emergency.--

(1) When the Governor declares a state of emergency pursuant to s. 252.36, the commissioner may issue one or more general orders applicable to all insurance companies, entities, and persons, as defined in s. 624.04, that are subject to the Florida Insurance Code and that serve any portion of the area of the state under the state of emergency.

(2) An order issued by the commissioner under this section becomes effective upon issuance and continues for 120 days unless terminated sooner by the commissioner. The commissioner may extend an order for one additional period of 120 days if he or she determines that the emergency conditions that gave rise to the initial order still exist. By concurrent resolution, the Legislature may terminate any order issued under this section.

(3) The commissioner shall publish in the next available publication of the Florida Administrative Weekly a copy of the text of any order issued under this section, together with a statement describing the modification or suspension and explaining how the modification or suspension will facilitate recovery from the emergency.

Section 6. Subsections (1) and (2) of section 626.918, Florida Statutes, are amended to read:

626.918 Eligible surplus lines insurers.--

(1) A ~~No~~ surplus lines agent may not ~~shall~~ place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer, except as permitted under subsections (5) and (6).

(2) An ~~No~~ unauthorized insurer may not ~~shall~~ be or become an eligible surplus lines insurer unless made eligible by the office in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by the Florida Surplus Lines Service Office.~~;~~

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible surplus lines insurer as to the kind or kinds of insurance proposed for a period of not less than the 3 years next preceding. However, the office may waive the 3-year requirement if the insurer provides a product or service not readily available to the consumers of this state or has operated successfully for a period of at least 1 year next preceding and has capital and surplus of not less than $25 million.~~;~~

(c) Before granting eligibility, the requesting surplus lines agent or the insurer shall furnish the office with a duly authenticated copy of its current annual financial statement in the English language and with all monetary values therein expressed in United States dollars, at an exchange rate (in the case of statements originally made in the currencies of other countries) then-current and shown in the statement, and with such additional information relative to the insurer as the office may request.~~;~~

(d)1.a. The insurer must have and maintain surplus as to policyholders of not less than $15 million; in addition, an alien insurer must also have and maintain in the United States a trust fund for the protection of all its policyholders in the United States under terms deemed by the office to be reasonably adequate, in an amount not less than $5.4 million. Any such surplus as to policyholders or trust fund shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625 provided, however, that in the case of an alien insurance company, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625. Clean, irrevocable, unconditional, and

evergreen letters of credit issued or confirmed by a qualified United States financial institution, as defined in subparagraph 2., may be used to fund the trust.;

b.2. For those surplus lines insurers that were eligible on January 1, 1994, and that maintained their eligibility thereafter, the required surplus as to policyholders shall be:

(I)a. On December 31, 1994, and until December 30, 1995, $2.5 million.

(II)b. On December 31, 1995, and until December 30, 1996, $3.5 million.

(III)c. On December 31, 1996, and until December 30, 1997, $4.5 million.

(IV)d. On December 31, 1997, and until December 30, 1998, $5.5 million.

(V)e. On December 31, 1998, and until December 30, 1999, $6.5 million.

(VI)f. On December 31, 1999, and until December 30, 2000, $8 million.

(VII)g. On December 31, 2000, and until December 30, 2001, $9.5 million.

(VIII)h. On December 31, 2001, and until December 30, 2002, $11 million.

(IX)i. On December 31, 2002, and until December 30, 2003, $13 million.

(X)j. On December 31, 2003, and thereafter, $15 million.

c.3. The capital and surplus requirements as set forth in sub-subparagraph b. subparagraph 2. do not apply in the case of an insurance exchange created by the laws of individual states, where the exchange maintains capital and surplus pursuant to the requirements of that state, or maintains capital and surplus in an amount not less than $50 million in the aggregate. For an insurance exchange which maintains funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus in an amount not less than $3 million. If the insurance exchange does not maintain funds in the amount of at least $12 million for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements set forth in sub-subparagraph b. subparagraph 2.;

d.4. A surplus lines insurer which is a member of an insurance holding company that includes a member which is a Florida domestic insurer as set forth in its holding company registration statement, as set forth in s. 628.801 and rules adopted thereunder, may elect to maintain surplus as to policyholders in an amount equal to the requirements of s. 624.408, subject to the requirement that the surplus lines insurer shall at all times be in compliance with the requirements of chapter 625.

The election shall be submitted to the office and shall be effective upon the office's being satisfied that the requirements of sub-subparagraph d. subparagraph 4. have been met. The initial date of election shall be the date of office approval. The election approval application shall be on a form adopted by commission rule. The office may approve an election form submitted pursuant to sub-subparagraph d. subparagraph 4. only if it was on file with the former Department of Insurance before February 28, 1998.;

2. For purposes of letters of credit under subparagraph 1., the term "qualified United States financial institution" means an institution that:

a. Is organized or, in the case of a United States office of a foreign banking organization, is licensed under the laws of the United States or any state.

b. Is regulated, supervised, and examined by authorities of the United States or any state having regulatory authority over banks and trust companies.

c. Has been determined by the office or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the office.

(e) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims.;

(f) The insurer must be eligible, as for authority to transact insurance in this state, under s. 624.404(3).; and

(g) This subsection does not apply as to unauthorized insurers made eligible under s. 626.917 as to wet marine and aviation risks.

Section 7. Paragraph (j) is added to subsection (2) of section 627.062, Florida Statutes, subsection (5) of that section is amended, and subsections (9) and (10) are added to that section, to read:

627.062 Rate standards.--

(2) As to all such classes of insurance:

(j) Effective January 1, 2007, notwithstanding any other provision of this section:

1. With respect to any residential property insurance subject to regulation under this section, a rate filing, including, but not limited to, any rate changes, rating factors, territories, classification, discounts, and credits, with respect to any policy form, including endorsements issued with the form, that results in an overall average statewide premium increase or decrease of no more than 5 percent above or below the premium that would result from the insurer's rates then in effect shall not be subject to a determination by the office that the rate is excessive or unfairly discriminatory except as provided in subparagraph 3., or any other provision of law, provided all changes specified in the filing do not result in an overall premium increase of more than 10 percent for any one territory, for reasons related solely to the rate change. As used in this subparagraph, the term "insurer's rates then in effect" includes only rates that have been lawfully in effect under this section or rates that have been determined to be lawful through administrative proceedings or judicial proceedings.

2. An insurer may not make filings under this paragraph with respect to any policy form, including endorsements issued with the form, if the overall premium changes resulting from such filings exceed the amounts specified in this paragraph in any 12-month period. An insurer may proceed under other provisions of this section or other provisions of law if the insurer seeks to exceed the premium or rate limitations of this paragraph.

3. This paragraph does not affect the authority of the office to disapprove a rate as inadequate or to disapprove a filing for the unlawful use of unfairly discriminatory rating factors that are prohibited by the laws of this state. An insurer electing to implement a rate change under this paragraph shall submit a filing to the office at least 30 days prior to the effective date of the rate change. The office shall have 30 days after the filing's submission to review the filing and determine if the rate is inadequate or uses unfairly discriminatory rating factors. Absent a finding by the office within such 30-day period that the rate is inadequate or that the insurer has used unfairly discriminatory rating factors, the filing is deemed approved. If the office finds during the 30-day period that the filing will result in inadequate premiums or otherwise endanger the insurer's solvency, the office shall suspend the rate decrease. If the insurer is implementing an overall rate increase, the results of which continue to produce an inadequate rate, such increase shall proceed pending additional action by the office to ensure the adequacy of the rate.

4. This paragraph does not apply to rate filings for any insurance other than residential property insurance.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance consistent with prudent business practices and sound actuarial principles, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. The burden is on the office to establish that any costs of other reinsurance are in excess of amounts consistent with prudent business practices and sound actuarial principles. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

(9) Notwithstanding any other provision of this section, any rate filing or applicable portion of the rate filing that includes the peril of wind within the boundary of the area covered by the high-risk account of the Citizens Property Insurance Corporation shall be deemed approved upon submission to the office if the filing or the applicable portion of the filing requests approval of a rate that is less than the approved rate for similar risks insured in the high-risk account of the corporation unless the office determines that such rate is inadequate or unfairly discriminatory as provided in subsection (2).

(10)(a) Beginning January 1, 2007, the office shall annually provide a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leader of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction over insurance issues, specifying the impact of flexible rate regulation under paragraph (2)(j) on the degree of competition in insurance markets in this state.

(b) The report shall include a year-by-year comparison of the number of companies participating in the market for each class of insurance and the relative rate levels. The report shall also specify:

1. The number of rate filings made under paragraph (2)(j), the rate levels under those filings, and the market share affected by those filings.

2. The number of filings made on a file and use basis, the rate levels under those filings, and the market share affected by those filings.

3. The number of filings made on a use and file basis, the rate levels under those filings, and the market share affected by those filings.

4. Recommendations to promote competition in the insurance market and further protect insurance consumers.

Section 8. Paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.--

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.--

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062. Such findings and factors are admissible and relevant in consideration of a rate filing by the office or in any arbitration or administrative or judicial review only if the office and the consumer advocate appointed pursuant to s. 627.0613 have a reasonable opportunity to review ~~access to~~ all of the basic assumptions and factors that were used in developing the actuarial methods, principles, standards, models, or output ranges. After review of the specific models by the commission, the office and the consumer advocate may not pose any questions generated from their respective reviews that duplicate or compromise the conclusions of the commission relative to the accuracy or reliability of the models in producing hurricane loss factors for use in a rate filing under s. 627.062~~, and are not precluded from disclosing such information in a rate proceeding~~.

Section 9. Section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.--

(1) Within 30 days after a written request for loss data and associated exposure data by the office or a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

(2) The office may not use the public model for hurricane loss projection referred to in subsection (1) for any purpose under s. 627.062 or s. 627.351 until the model has been submitted to the Florida Commission on Hurricane Loss Projection Methodology for review under s. 627.0628 and the commission has found the model to be accurate and reliable pursuant to the same process and standards as the commission uses for the review of other hurricane loss projection models.

Section 10. Subsection (2) of section 627.0645, Florida Statutes, is amended to read:

627.0645 Annual filings.--

(2)(a) Deviations filed by an insurer to any rating organization's base rate filing are not subject to this section.

(b) The office, after receiving a request to be exempted from the provisions of this section, may, for good cause due to insignificant numbers of policies in force or insignificant premium volume, exempt a company, by line of coverage, from filing rates or rate certification as required by this section.

(c) The office, after receiving a request to be exempted from the provisions of this section, shall exempt a company with less than 500 residential homeowner or mobile homeowner policies from filing rates or rate certification as required by this section.

Section 11. Subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(a)1.a. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in ensuring ~~assuring~~ that homestead property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market, all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

b. The Legislature finds and declares that:

(I) The commitment of the state, as expressed in sub-subparagraph a., to providing a means of ensuring the availability of property insurance through a residual market mechanism is hereby reaffirmed.

(II) Despite legislative efforts to ensure that the residual market for property insurance is self-supporting to the greatest reasonable extent, residual market policyholders are to some degree subsidized by the general public through assessments on owners of property insured in the voluntary market and their insurers and through the potential use of general revenues of the state to eliminate or reduce residual market deficits.

(III) The degree of such subsidy is a matter of public policy. It is the intent of the Legislature to better control the subsidy through at least the following means:

(A) Restructuring the residual market mechanism to provide separate treatment of homestead and nonhomestead properties, with the intent of continuing to provide an insurance program with limited subsidies for homestead properties while providing a nonsubsidized insurance program for nonhomestead properties.

(B) Redefining the concept of rate adequacy in the subsidized residual market with the intent of ensuring a rate structure that will enable the subsidized residual market to be self-supporting except in the event of hurricane losses of a legislatively specified magnitude. It is the intent of the Legislature that the funding of the subsidized residual market be structured to be self-supporting up to the point of its 100-year probable maximum loss and that the funding be structured to make reliance on assessments or other sources of public funding necessary only in the event of a 100-year probable maximum loss or larger loss.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the commission ~~office~~. The plan is subject to continuous review by the commission ~~office~~. The commission ~~office~~ may, by order, withdraw approval of all or part of a plan if the commission ~~office~~ determines that conditions have changed since approval was granted and that the purposes of

the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the commission until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as "assessable insurers." Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers, but insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as "assessable insureds." An authorized insurer's assessment liability shall begin on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into four ~~three~~ separate accounts as follows:

(I) Three separate homestead accounts that may provide coverage only for homestead properties. The term "homestead property" means a residential property that has been granted a homestead exemption under chapter 196. The term also includes a property that is qualified for such exemption but has not applied for the exemption as of the date of issuance of the policy, provided the policyholder obtains the exemption within 1 year after initial issuance of the policy. The term also includes an owner-occupied mobile or manufactured home as defined in s. 320.01 permanently affixed to real property regardless of whether the owner of the mobile or manufactured home is also the owner of the land on which the mobile or manufactured home is permanently affixed. However, the term does not include a mobile home that is being held for display by a licensed mobile home dealer or a licensed mobile home manufacturer and is not owner-occupied. For the purposes of this sub-sub-subparagraph, the term "homestead property" also includes property covered by tenant's insurance; commercial lines residential policies; any county, district, or municipal hospital, or hospital licensed by any not-for-profit corporation that is qualified under s. 501(c)(3) of the United State Internal Revenue Code; and continuing care retirement communities certified under chapter 651 that receives an ad valorem tax exemption under chapter 196. The accounts providing coverage only for homestead properties are:

(A)~~(I)~~ A personal lines account for personal residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(B)~~(II)~~ A commercial lines account for commercial residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide coverage for basic property perils on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(C)~~(III)~~ A high-risk account for personal residential policies and commercial residential ~~and commercial nonresidential~~ property policies issued by the corporation or transferred to the corporation that provide coverage for the peril of wind on risks that are located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The high-risk account must also include quota share primary insurance under subparagraph (c)2. The area eligible for coverage under the high-risk account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property. The office may remove territory from the area eligible for wind-only and quota share coverage if, after a public hearing, the office finds that authorized insurers in the voluntary market are willing and able to write sufficient amounts of personal and commercial residential coverage for all perils in the territory, including coverage for the peril of wind, such that risks covered by wind-only policies in the removed territory could be issued a policy by the corporation in either the personal lines or commercial lines account without a significant increase in the corporation's probable maximum loss in such account. Removal of territory from the area eligible for wind-only or quota share coverage does not alter the assignment of wind coverage written in such areas to the high-risk account.

(II)(A) A separate nonhomestead account for commercial nonresidential property policies and for all properties that otherwise meet all of the criteria for eligibility for coverage within one of the three homestead accounts described in sub-sub-subparagraph (I) but that do not meet the definition of homestead property specified in sub-sub-subparagraph (I). The nonhomestead account shall provide the same types of coverage as are provided by the three homestead accounts, including wind-only coverage in the high-risk account area. In order to be eligible for coverage in the nonhomestead account, at the initial issuance of the policy and at renewal the property owner shall provide the corporation with a sworn affidavit stating that the property has been rejected for coverage by at least three authorized insurers and at least three surplus lines insurers.

(B) An authorized insurer or approved insurer as defined in s. 626.914(2) may provide coverage to a nonhomestead property owner on an individual risk rate basis. Rates and forms of an authorized insurer for nonhomestead properties are not subject to ss. 627.062 and 627.0629, except s. 627.0629(2)(b). Such rates and forms are subject to all other applicable provisions of this code and rules adopted under this code. During the course of an insurer's market conduct examination, the office may review the rate for any nonhomestead property to determine if such rate is inadequate or unfairly discriminatory. Rates on nonhomestead property may be found inadequate by the office if they are clearly insufficient, together with the investment income attributable to the insurer, to sustain projected losses and expenses in the class of business to which such rates apply. Rates on nonhomestead property may also be found inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed that exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks. Rates on nonhomestead property may be found to be unfairly discriminatory as to a risk or group of risks by the office if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks. A rating plan, including discounts, credits, or surcharges on nonhomestead property, may also be found to be unfairly discriminatory if the plan fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adjusted pursuant to s. 627.0625. The office may order an insurer to discontinue using a rate for new policies or upon renewal of a policy if the office finds the rate to be inadequate or unfairly discriminatory. Insurers shall maintain records and documentation relating to rates and forms subject to this sub-sub-sub-subparagraph for a period of at least 5 years after the effective date of the policy.

b. The three separate homestead accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. When the financing obligations are no longer outstanding, in accordance with the terms of the corresponding financing documents, the corporation may use a single homestead account for all revenues, assets, liabilities, losses, and expenses of the corporation.

All revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account shall be maintained separately.

c. Creditors of the Residential Property and Casualty Joint Underwriting Association shall have a claim against, and recourse to, the accounts referred to in sub-sub-sub-subparagraphs ~~sub-sub-subparagraphs~~ a.(I)(A) and (B)~~(II)~~ and shall have no claim against, or recourse to, the account referred to in sub-sub-sub-subparagraph ~~sub-sub-subparagraph~~ a.(I)(C)~~(III)~~. Creditors of the Florida Windstorm Underwriting Association shall have a claim against, and recourse to, the account referred to in sub-sub-sub-subparagraph ~~sub-sub-subparagraph~~ a.(I)(C)~~(III)~~ and shall have no claim against, or recourse to, the accounts referred to in sub-sub-sub-subparagraphs ~~sub-sub-subparagraphs~~ a.(I)(A) and (B)~~(II)~~.

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. No part of the income of the corporation may inure to the benefit of any private person.

3. With respect to a deficit in any of the homestead accounts ~~an account~~:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (g) and assessable insureds.

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph (g) and on assessable insureds in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each assessable insurer's share of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the year in which the deficit is incurred ~~assessment~~ bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraphs a. and b. shall be paid as required by the corporation's plan of operation and paragraph (g). Any assessment levied by the corporation on limited apportionment companies may be paid to the corporation by such companies on a monthly basis as the assessment are collected from insureds for a time period not to exceed 18 months. Notwithstanding any other provision in this subsection, the aggregate amount of a regular assessment levied in connection with a deficit incurred in a particular calendar year shall be reduced by the aggregate amount of the Citizens Property Insurance Corporation policyholder surcharge imposed under subparagraph (c)10. Assessments levied by the corporation on assessable insureds under sub-subparagraphs a. and b. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to the Florida Surplus Lines Service Office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the office, emergency assessments, for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessments so collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and shall be held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and for all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.

e. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, Citizens policyholder ~~market equalization~~ surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (g), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes regular assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.

f. As used in this subsection, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners multiperil, commercial multiperil, and mobile homes, and including liability coverage on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1) other than insurance on mobile homes used as permanent dwellings.

g. The Florida Surplus Lines Service Office shall determine annually the aggregate statewide written premium in subject lines of business procured by assessable insureds and shall report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

h. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular

assessments and emergency assessments levied under this subparagraph on assessable insureds and shall assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

4. With respect to a deficit in the nonhomestead account or to any cash flow shortfall that the board determines will create an inability for the nonhomestead account to pay claims when due:

a. The board shall levy an immediate assessment against the premium of each nonhomestead account policyholder, expressed as a uniform percentage of the premium for the policy then in effect. The maximum amount of such assessment is 100 percent of such premium.

b. If the assessment under sub-subparagraph a. is insufficient to enable the account to pay claims and eliminate the deficit in the account, the board may levy an additional assessment to be collected at the time of any issuance or renewal of a nonhomestead account policy during the 1-year period following the levy of the assessment under sub-subparagraph a., expressed as a uniform percentage of the premium for the policy for the forthcoming policy period. The maximum amount of such assessment is 100 percent of such premium.

c. If the assessments under sub-subparagraphs a. and b. are insufficient to enable the account to pay claims and eliminate the deficit in the account, the board may make a loan from any of the homestead accounts to the nonhomestead account, subject to approval by the office and provided that such loan does not impair the financial status of any of the homestead accounts.

5. A policyholder in a nonhomestead account who has not paid a deficit assessment levied by the corporation shall be ineligible for coverage by a surplus lines insurer or authorized insurer.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds

issued on its behalf by a unit of local government pursuant to subparagraph (g) 2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of 8 individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board, as recommended by the Chief Financial Officer, and serve at the pleasure of the board. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board and the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. To preserve existing incentives for carriers to write dwellings in the voluntary market and not in the corporation, the corporation shall continue to offer authorized insurers, including insurers writing dwellings valued at $1 million or more, the same voluntary writing credits that were available on January 1, 2006, to carriers writing wind coverage for dwellings in the areas eligible for coverage in the high-risk account.

d. With respect to personal lines residential risks, if the risk is a dwelling with an insured value of $1 million or more, or if the risk is one that is excluded from the coverage to be provided by the condominium association under s. 718.111(11)(b) and that is insured by the condominium unit owner for a combined dwelling and contents replacement cost of $1 million or more, the risk is not eligible for any policy issued by the corporation. Rates and forms for personal lines residential risks not eligible for coverage by the corporation specified by this sub-subparagraph are not subject to ss. 627.062 and 627.0629. Such rates and forms are subject to all other applicable provisions of this code and rules adopted under this code. During the course of an insurer's market conduct examination, the office may review the rate for any risk to which the provisions of this sub-subparagraph are applicable to determine if such rate is inadequate or unfairly discriminatory. Rates on personal lines residential risks not eligible for coverage by the corporation may be found inadequate by the office if they are clearly insufficient, together with the investment income attributable to such risks, to sustain projected losses and expenses in the class of business to which such rates apply. Rates on personal lines residential risks not eligible for coverage by the corporation may also be found inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed that exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks. Rates on personal lines residential risks not eligible for coverage by the corporation may be found to be unfairly discriminatory as to a risk or group of risks by the office if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks. A rating plan, including discounts, credits, or surcharges on personal lines residential risks not eligible for coverage by the corporation may also be found to be unfairly discriminatory if the plan fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adjusted pursuant to s. 627.0625. The office may order an insurer to discontinue using a rate for new policies or upon renewal of a policy if the office finds the rate to be inadequate or unfairly discriminatory. Insurers must maintain records and documentation relating to rates and forms subject to this sub-subparagraph for a period of at least 5 years after the effective date of the policy.

e. For policies subject to nonrenewal as a result of the risk being no longer eligible for coverage pursuant to sub-subparagraph d., the corporation shall, directly or through the market assistance plan, make information from confidential underwriting and claims files of policyholders available only to licensed general lines agents who register with the corporation to receive such information according to the following procedures:

(I) By August 1, 2006, the corporation shall provide policyholders who are not eligible for renewal pursuant to sub-subparagraph d. the opportunity to request in writing, within 30 days after the notification is sent, that information from their confidential underwriting and claims files not be released to licensed general lines agents registered pursuant to sub-sub-subparagraph e.(II);

(II) By August 1, 2006, the corporation shall make available to licensed general lines agents the registration procedures to be used to obtain confidential information from underwriting and claims files for policies not eligible for renewal pursuant to sub-subparagraph d. As a condition of registration, the corporation shall require the licensed general lines agent to attest that the agent has the experience and relationships with authorized or surplus lines carriers to attempt to offer replacement coverage for policies not eligible for renewal pursuant to sub-subparagraph d.

(III) By September 1, 2006, the corporation shall make available through a secured website to licensed general lines agents registered pursuant to sub-sub-subparagraph e.(II) application, rating, loss history, mitigation, and policy type information relating to all policies not eligible for renewal pursuant to sub-subparagraph d. and for which the policyholder has not requested the corporation withhold such information pursuant to sub-sub-subparagraph e.(I). The licensed general lines agent registered pursuant to sub-sub-subparagraph e.(II) may use such information to contact and assist the policyholder in securing replacement policies and the agent may disclose to the policyholder such information was obtained from the corporation.

f. With respect to nonhomestead property, eligibility must be determined in accordance with sub-sub-sub-subparagraph (b)2.a.(II)(A).

6. Must provide by July 1, 2007, that an application for coverage for a new policy is subject to a waiting period of 10 days before coverage is effective, during which time the corporation shall make such application available for review by general lines agents and authorized property and casualty insurers. The board may approve exceptions that allow for coverage to be effective before the end of the 10-day waiting period, for coverage issued in conjunction with a real estate closing, and for such other exceptions as the board determines are necessary to prevent lapses in coverage.

7.~~6.~~ Must include rules for classifications of risks and rates therefor.

8.~~7.~~ Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

9.~~8.~~ Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

10.~~9.~~ Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss in the homestead accounts as determined by the board of governors.

11.~~10.~~ Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines homestead account, the commercial lines residential homestead account, or the high-risk homestead account, the corporation shall levy upon corporation homestead account policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a Citizens policyholder ~~market equalization~~ surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the ~~prior calendar~~ year preceding the year in which the deficit to which the regular assessment related is incurred. Citizens policyholder ~~Market equalization~~ surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay the Citizens policyholder ~~a market equalization~~ surcharge shall be treated as failure to pay premium. Notwithstanding any other provision of this section, for purposes of the Citizens policyholder surcharges to be levied pursuant to this subparagraph, the total amount of the regular assessment to which such Citizens policyholder surcharge relates shall be determined as set forth in sub-subparagraphs (b)3.a., b., and c.

12.~~11.~~ The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized

insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

13.~~12.~~ Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation or an insurer writing coverage pursuant to part VIII of chapter 626. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

14.~~13.~~ May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

15.~~14.~~ Must provide that, with respect to the high-risk homestead account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

16.~~15.~~ Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

17. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows for quarterly and semiannual payment of premiums.

18. Must provide that the hurricane deductible for any property in the nonhomestead account with an insured value of $250,000 or more must be at least 5 percent of the insured value.

19. Must provide that the application for coverage under the nonhomestead account and the declaration page of each nonhomestead account policy include a statement in boldface 12-point type specifying that public subsidies do not support the corporation's coverage of nonhomestead property; that if the nonhomestead account of the corporation sustains a deficit or is unable to pay claims, the nonhomestead policyholder shall be subject to an immediate assessment in an amount up to 100 percent of the premium and a further assessment upon renewal of the policy; and that the applicant or policyholder may wish to seek alternative coverage from an authorized insurer or surplus lines insurer that will not be subject to such potential assessments.

20. Must provide that the application for coverage under any of the homestead accounts and the declaration page of each homestead account policy include a statement in boldface 12-point type specifying that a false declaration of homestead status for purposes of obtaining coverage in any of the homestead accounts may constitute the offense of insurance fraud, as prohibited and punishable as a felony under s. 817.234.

21. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct background checks on such prospective employees pursuant to ss. 624.404(3), 624.34, and 628.261.

2. On or before July 1 of each year, employees of the corporation are required to sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees are required to sign and submit to the corporation a conflict-of-interest statement.

3. Senior managers and members of the board of governors are subject to the provisions of part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. Senior managers and board members are also required to file such disclosures with the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each newly appointed and existing appointed member of the board of governors and senior managers of his or her duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors that are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148 or s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, that has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member that fails to comply with this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. Any employee of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from having any employment or contractual relationship for 2 years with an insurer that has received a take-out bonus from the corporation.

(e) Purchases that equal or exceed $2,500, but are less than $25,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over $25,000 shall be subject to competitive solicitation, except in situations where the goods or services are provided by a sole source or are deemed an emergency purchase; the services are exempted from competitive solicitation requirements under s. 287.057(5)(f); or the procurement of services is subject to s. 627.3513. Justification for the sole-sourcing or emergency procurement must be documented. Contracts for goods or services valued at or over $100,000 are subject to approval by the board.

(f) The board shall determine whether it is more cost-effective and in the best interests of the corporation to use legal services provided by in-house attorneys employed by the corporation rather than contracting with outside counsel. In making such determination, the board shall document its findings and shall consider: the expertise needed; whether time commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging and other costs associated with in-house representation; and such other factors that the board determines are relevant.

(g) The corporation may not retain a lobbyist to represent it before the legislative branch or executive branch. However, full-time employees of the corporation may register as lobbyists and represent the corporation before the legislative branch or executive branch.

(h)1. The Office of the Internal Auditor is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency to the policyholders and to the taxpayers of this state. The internal auditor shall be

appointed by the board of governors, shall report to and be under the general supervision of the board of governors, and is not subject to supervision by any employee of the corporation. Administrative staff and support shall be provided by the corporation. The internal auditor shall be appointed without regard to political affiliation. It is the duty and responsibility of the internal auditor to:

a. Provide direction for, supervise, conduct, and coordinate audits, investigations, and management reviews relating to the programs and operations of the corporation.

b. Conduct, supervise, or coordinate other activities carried out or financed by the corporation for the purpose of promoting efficiency in the administration of, or preventing and detecting fraud, abuse, and mismanagement in, its programs and operations.

c. Submit final audit reports, reviews, or investigative reports to the board of governors, the executive director, the members of the Financial Services Commission, the President of the Senate, and the Speaker of the House of Representatives.

d. Keep the board of governors informed concerning fraud, abuses, and internal control deficiencies relating to programs and operations administered or financed by the corporation, recommend corrective action, and report on the progress made in implementing corrective action.

e. Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the internal auditor has reasonable grounds to believe there has been a violation of criminal law.

2. On or before February 15, the internal auditor shall prepare an annual report evaluating the effectiveness of the internal controls of the corporation and providing recommendations for corrective action, if necessary, and summarizing the audits, reviews, and investigations conducted by the office during the preceding fiscal year. The final report shall be furnished to the board of governors and the executive director, the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission.

(i) The corporation shall establish a unit or division responsible for receiving and responding to consumer complaints, which unit or division is the sole responsibility of a senior manager of the corporation.

(j) The office shall conduct a comprehensive market conduct examination of the corporation every 2 years to determine compliance with its plan of operation and internal operations procedures. The first market conduct examination report shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2009. Subsequent reports shall be submitted on or before February 1 every 2 years thereafter.

(k) The Auditor General shall conduct an operational audit of the corporations every 3 years to evaluate management's performance in administering laws, policies, and procedures governing the operations of the corporation in an efficient and effective manner. The scope of the review shall include, but is not limited to, evaluating claims handling, customer service, take-out programs and bonuses, financing arrangements, procurement of goods and services, internal controls, and the internal audit function.

(l)~~(d)~~1.a. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially adequate ~~sound~~ and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include a residual market risk load that reflects the concentrated exposure of the corporation and the impact of adverse selection as well as an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

b. It is the intent of the Legislature to reaffirm the requirement of rate adequacy in the residual market. Recognizing that rates may comply with the intent expressed in sub-subparagraph a. and yet be inadequate and recognizing the public need to limit subsidies within the residual market, it is the further intent of the Legislature to establish statutory standards for rate adequacy. Such standards are intended to supplement the standard specified in s. 627.062(2)(e)3., providing that rates are inadequate if they are clearly insufficient to sustain projected losses and expenses in the class of business to which they apply.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially adequate ~~sound~~ and not competitive with approved rates charged by authorized insurers. If the filing under this paragraph is made at least 90 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, such filing shall be considered a file and use filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only ratemaking methodology, which methodology shall be contained in each rate filing made by the corporation with the office. If the office determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only ratemaking methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office.

4. For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In this county, the rates for personal lines residential coverage shall be actuarially adequate ~~sound~~ and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies in Monroe County. Any proposed rate increase filed by the corporation after May 1, 2006, but before October 1, 2006, for Monroe County based upon actuarial adequacy shall be implemented in equal amounts over a period of 3 years. By March 1, 2006, the office shall submit a report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

5. Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

6.a. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062 or under sub-subparagraph b. or sub-subparagraph c.

b. With respect to rates for coverage in any homestead account, a rate is deemed inadequate if the rate is not sufficient to generate, by means of cash flow, procurement of coverage under the Florida Hurricane Catastrophe Fund, reinsurance costs whether or not reinsurance is procured, and investment

income, moneys sufficient to pay all claims and expenses reasonably expected to result from a 100-year probable maximum loss event without resort to any regular or emergency assessments, long-term debt, state revenues, or other funding sources that reflect any subsidy from persons or entities other than corporation homestead accounts policyholders.

c.(I) With respect to rates for coverage in the nonhomestead account, a rate is deemed inadequate if the rate is not sufficient to generate, by means of cash flow, procurement of coverage under the Florida Hurricane Catastrophe Fund, reinsurance costs, whether or not reinsurance is procured, and investment income and moneys sufficient to pay all claims and expenses reasonably expected to result from a 125-year probable maximum loss event without resort to any assessments, debt, state revenues, or other funding sources that reflect any subsidy from persons or entities other than corporation nonhomestead account policyholders. The rate initially filed by the corporation to comply with this sub-sub-subparagraph shall only by effective for 1 year.

(II) For the year following the initial year under sub-sub-subparagraph (I), the rate is deemed inadequate if the rate is not sufficient to generate moneys sufficient to pay all claims and expenses reasonably expected to result from a 150-year probable maximum loss event using the same criteria provided in sub-sub-subparagraph (I).

(III) For the 2 years following the year under sub-sub-subparagraph (II), the rate shall be based upon a 175-year and 200-year probable maximum loss event, respectively.

7. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1., ~~and~~ 2., and 6. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2., it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

8. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

~~9.a. To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.~~

~~b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.~~

~~c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.~~

~~d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.~~

9.~~10. By January 1, 2004,~~ The corporation shall provide ~~develop~~ a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

(m)~~(e)~~ If coverage in an account is deactivated pursuant to paragraph (f), coverage through the corporation shall be reactivated by order of the office only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from admitted carriers at their filed rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the office that the conditions of this subparagraph have been met for eligibility for coverage in the corporation, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the office may activate coverage by order for the period of the emergency upon a finding by the office that the emergency significantly affects the availability of residential property insurance.

(n)~~(f)~~1. The corporation shall file with the office quarterly statements of financial condition, an annual statement of financial condition, and audited financial statements in the manner prescribed by law. In addition, the corporation shall report to the office monthly on the types, premium, exposure, and distribution by county of its policies in force, and shall submit other reports as the office requires to carry out its oversight of the corporation.

2. The activities of the corporation shall be reviewed at least annually by the office to determine whether coverage shall be deactivated in an account on the basis that the conditions giving rise to its activation no longer exist.

(o)~~(g)~~1. The corporation shall certify to the office its needs for annual assessments as to a particular calendar year, and for any interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the office shall approve such certification, and the corporation shall levy such annual or interim assessments. Such assessments shall be prorated as provided in paragraph (b). The corporation shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each assessable insurer, including, if prudent, filing suit to collect such assessment. If the corporation is unable to collect an assessment from any assessable insurer, the uncollected assessments shall be levied as an additional assessment against the assessable insurers and any assessable insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying assessable insurer. Assessments shall be included as an appropriate factor in the making of rates. The failure of a surplus lines agent to collect and remit any regular or emergency assessment levied by the corporation is considered to be a violation of s. 626.936 and subjects the surplus lines agent to the penalties provided in that section.

2. The governing body of any unit of local government, any residents of which are insured by the corporation, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the corporation, for the purpose of defraying deficits of the corporation. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the corporation, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds under this subparagraph may not be issued until validated pursuant to chapter 75, unless

a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the corporation. Any such unit of local government may enter into such contracts with the corporation and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this subparagraph shall be payable from and secured by moneys received by the corporation from emergency assessments under sub-subparagraph (b)3.d., and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the office shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the office determines that the purchase would endanger or impair the solvency of the insurer.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings in the corporation. Beginning January 1, 2008, any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation shall comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed. The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraphs (b)3.a. and b. When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(I) Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of the corporation; or

(II) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.d.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of an assessable insurer, other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.d., if the office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an assessable insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other assessable insurers in a manner consistent with the basis for assessments set forth in paragraph (b).

(p)~~(h)~~ Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(q)~~(i)~~ There shall be no liability on the part of, and no cause of action of any nature shall arise against, any assessable insurer or its agents or employees, the corporation or its agents or employees, members of the board of governors or their respective designees at a board meeting, corporation committee members, or the office or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to:

1. Any of the foregoing persons or entities for any willful tort;

2. The corporation or its producing agents for breach of any contract or agreement pertaining to insurance coverage;

3. The corporation with respect to issuance or payment of debt; or

4. Any assessable insurer with respect to any action to enforce an assessable insurer's obligations to the corporation under this subsection.

(r)~~(j)~~ For the purposes of s. 199.183(1), the corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The premiums, assessments, investment income, and other revenue of the corporation are funds received for providing property insurance coverage as required by this subsection, paying claims for Florida citizens insured by the corporation, securing and repaying debt obligations issued by the corporation, and conducting all other activities of the corporation, and shall not be considered taxes, fees, licenses, or charges for services imposed by the Legislature on individuals, businesses, or agencies outside state government. Bonds and other debt obligations issued by or on behalf of the corporation are not to be considered "state bonds" within the meaning of s. 215.58(8). The corporation is not subject to the procurement provisions of chapter 287, and policies and decisions of the corporation relating to incurring debt, levying of assessments and the sale, issuance, continuation, terms and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120. The corporation is not required to obtain or to hold a certificate of authority issued by the office, nor is it required to participate as a member insurer of the Florida Insurance Guaranty Association. However, the corporation is required to pay, in the same manner as an authorized insurer, assessments pledged by the Florida Insurance Guaranty Association to secure bonds issued or other indebtedness incurred to pay covered claims arising from insurer insolvencies caused by, or proximately related to, hurricane losses. It is the intent of the Legislature that the tax exemptions provided in this paragraph will augment the financial resources of the corporation to better enable the corporation to fulfill its public purposes. Any debt obligations ~~bonds~~ issued by the corporation, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and any political subdivision or local unit or other instrumentality thereof; however, this exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the corporation.

(s)~~(k)~~ Upon a determination by the office that the conditions giving rise to the establishment and activation of the corporation no longer exist, the corporation is dissolved. Upon dissolution, the assets of the corporation shall be applied first to pay all debts, liabilities, and obligations of the corporation, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the corporation shall become property of the state and shall be deposited in the Florida Hurricane Catastrophe Fund. However, no dissolution shall take effect as long as the corporation has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(t)~~(l)~~1. Effective July 1, 2002, policies of the Residential Property and Casualty Joint Underwriting Association shall become policies of the corporation. All obligations, rights, assets and liabilities of the Residential Property and Casualty Joint Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them become

those of the corporation as of July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

2. Effective July 1, 2002, policies of the Florida Windstorm Underwriting Association are transferred to the corporation and shall become policies of the corporation. All obligations, rights, assets, and liabilities of the Florida Windstorm Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them are transferred to and assumed by the corporation on July 1, 2002. The corporation is not required to issue endorsement or certificates of assumption to insureds during the remaining term of in-force transferred policies.

3. The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall take all actions as may be proper to further evidence the transfers and shall provide the documents and instruments of further assurance as may reasonably be requested by the corporation for that purpose. The corporation shall execute assumptions and instruments as the trustees or other parties to the financing documents of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association may reasonably request to further evidence the transfers and assumptions, which transfers and assumptions, however, are effective on the date provided under this paragraph whether or not, and regardless of the date on which, the assumptions or instruments are executed by the corporation. Subject to the relevant financing documents pertaining to their outstanding bonds, notes, indebtedness, or other financing obligations, the moneys, investments, receivables, choses in action, and other intangibles of the Florida Windstorm Underwriting Association shall be credited to the high-risk account of the corporation, and those of the personal lines residential coverage account and the commercial lines residential coverage account of the Residential Property and Casualty Joint Underwriting Association shall be credited to the personal lines account and the commercial lines account, respectively, of the corporation.

~~4. Effective July 1, 2002, a new applicant for property insurance coverage who would otherwise have been eligible for coverage in the Florida Windstorm Underwriting Association is eligible for coverage from the corporation as provided in this subsection.~~

4.~~5.~~ The transfer of all policies, obligations, rights, assets, and liabilities from the Florida Windstorm Underwriting Association to the corporation and the renaming of the Residential Property and Casualty Joint Underwriting Association as the corporation shall in no way affect the coverage with respect to covered policies as defined in s. 215.555(2)(c) provided to these entities by the Florida Hurricane Catastrophe Fund. The coverage provided by the Florida Hurricane Catastrophe Fund to the Florida Windstorm Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be redesignated as coverage for the high-risk account of the corporation. Notwithstanding any other provision of law, the coverage provided by the Florida Hurricane Catastrophe Fund to the Residential Property and Casualty Joint Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be transferred to the personal lines account and the commercial lines account of the corporation. Notwithstanding any other provision of law, the high-risk account shall be treated, for all Florida Hurricane Catastrophe Fund purposes, as if it were a separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. Likewise, the personal lines and commercial lines accounts shall be viewed together, for all Florida Hurricane Catastrophe Fund purposes, as if the two accounts were one and represent a single, separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. The coverage provided by the Florida Hurricane Catastrophe Fund to the corporation shall constitute and operate as a full transfer of coverage from the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting to the corporation.

(u)~~(m)~~ Notwithstanding any other provision of law:

1. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the corporation created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the corporation shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the corporation under the laws of this state.

2. No such proceeding shall relieve the corporation of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, Citizens Property Insurance Corporation policyholder ~~market equalization~~ or other surcharges under subparagraph (c) 10., or any other rights, revenues, or other assets of the corporation pledged pursuant to any financing documents.

3. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, market equalization or other surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this subsection, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the corporation or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the corporation are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation or financial product, as defined in the plan of operation of the corporation related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the corporation shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the corporation or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

5. As long as the corporation has any bonds outstanding, the corporation may not file a voluntary petition under chapter 9 of the federal Bankruptcy Code, or such corresponding chapter or sections as may be in effect from time to time, and any public officer and any organization, entity, or other person may not authorize the corporation to be or become a debtor under chapter 9 of the federal Bankruptcy Code, or such corresponding chapter or sections as may be in effect from time to time, during any such period.

6. If ordered by a court of competent jurisdiction, the corporation may assume policies or otherwise provide coverage for policyholders of an insurer placed in liquidation under chapter 631, under such forms, rates, terms, and conditions as the corporation deems appropriate, subject to approval by the office.

(v)~~(n)~~1. The following records of the corporation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted

with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the corporation under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of a corporation employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the corporation, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the corporation or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the corporation are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of corporation meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(1)(b)-(d), the court reporter's notes of any closed meeting shall be retained by the corporation for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

(w)~~(o)~~ It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss. The reduction or increase in probable maximum loss shall be calculated without taking into account the probable maximum loss attributable to the nonhomestead account.

2. Beginning February 1, 2013 ~~2007~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2018 ~~2012~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

(x)~~(p)~~ In enacting the provisions of this section, the Legislature recognizes that both the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association have entered into financing arrangements that obligate each entity to service its debts and maintain the capacity to repay funds secured under these financing arrangements. It is the intent of the Legislature that nothing in this section be construed to compromise, diminish, or interfere with the rights of creditors under such financing arrangements. It is further the intent of the Legislature to preserve the obligations of the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association with regard to outstanding financing arrangements, with such obligations passing entirely and unchanged to the corporation and, specifically, to the applicable account of the corporation. So long as any bonds, notes, indebtedness, or other financing obligations of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association are outstanding, under the terms of the financing documents pertaining to them, the governing board of the corporation shall have and shall exercise the authority to levy, charge, collect, and receive all premiums, assessments, surcharges, charges, revenues, and receipts that the associations had authority to levy, charge, collect, or receive under the provisions of subsection (2) and this subsection, respectively, as they existed on January 1, 2002, to provide moneys, without exercise of the authority provided by this subsection, in at least the amounts, and by the times, as would be provided under those former provisions of subsection (2) or this subsection, respectively, so that the value, amount, and collectability of any assets, revenues, or revenue source pledged or committed to, or any lien thereon securing such outstanding bonds, notes, indebtedness, or other financing obligations will not be diminished, impaired, or adversely affected by the amendments made by this act and to permit compliance with all provisions of financing documents pertaining to such bonds, notes, indebtedness, or other financing obligations, or the security or credit enhancement for them, and any reference in this subsection to bonds, notes, indebtedness, financing obligations, or similar obligations, of the corporation shall include like instruments or contracts of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to the extent not inconsistent with the provisions of the financing documents pertaining to them.

(y)~~(q)~~ The corporation shall not require the securing of flood insurance as a condition of coverage if the insured or applicant executes a form approved by the office affirming that flood insurance is not provided by the corporation and that if flood insurance is not secured by the applicant or insured in addition to coverage by the corporation, the risk will not be covered for flood damage. A corporation policyholder electing not to secure flood insurance and executing a form as provided herein making a claim for water damage against the

corporation shall have the burden of proving the damage was not caused by flooding. Notwithstanding other provisions of this subsection, the corporation may deny coverage to an applicant or insured who refuses to execute the form described herein.

(z)~~(r)~~ A salaried employee of the corporation who performs policy administration services subsequent to the effectuation of a corporation policy is not required to be licensed as an agent under the provisions of s. 626.112.

(aa)~~(s)~~ The transition to homestead and nonhomestead accounts shall begin on October 1, 2006. A policy issued on or after that date shall be issued in the applicable homestead account or the nonhomestead account, based upon whether the property constitutes homestead property as provided in subparagraph (b)2. A policy in effect on October 1, 2006, shall be placed in the applicable homestead account or the nonhomestead account, based upon whether the property constitutes homestead property as provided in subparagraph (b)2., upon the first renewal of such policy after October 1, 2006.

(bb)~~(u)~~ An employee of the corporation shall notify the Division of Insurance Fraud within 48 hours after having information that would lead a reasonable person to suspect that fraud may have been committed by any employee of the corporation.

(cc)~~(v)~~ By February 1, 2007, the corporation shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. In preparing the report, the corporation shall consult with the Office of Insurance Regulation, the Department of Financial Services, and any other party the corporation determines is appropriate. The report shall include findings and recommendations on the feasibility of requiring authorized insurers that issue and service personal and commercial residential policies and commercial nonresidential policies that provide coverage for basic property perils except for the peril of wind to issue and service for a fee personal and commercial residential policies and commercial nonresidential policies providing coverage for the peril of wind issued by the corporation. The report shall include:

1. The expense savings to the corporation of issuing and servicing such policies as determined through a cost benefit analysis.

2. The expenses and liability to authorized insurers associated with issuing and servicing such policies.

3. The impact on service to policyholders of the corporation relating to issuing and servicing such policies.

4. The impact on the producing agent of the corporation of issuing and servicing such policies.

5. Recommendations as to the amount of the fee that should be paid to authorized insurers for issuing and servicing such policies.

6. The impact issuing and servicing such policies will have on the corporation's number of policies, total insured value, and probable maximum loss.

(dd)~~(w)~~ There shall be no liability on the part of, and no cause of action of any nature shall arise against, producing agents of record of the corporation or employees of such agents for insolvency of any take-out insurer.

(ee)~~(x)~~ The Legislature finds that the total area eligible for the high-risk account of the corporation has a material impact on the availability of wind coverage from the voluntary admitted market, deficits of the corporation, assessments to be levied on property insurers and policyholders statewide, the ability and willingness of authorized insurers to write wind coverage in the high-risk areas, the probable maximum windstorm losses of the corporation, general commerce in coastal areas, and the overall financial condition of the state. Therefore, in furtherance of these findings and intent:

1. The High Risk Eligibility Panel is created.

2. The members of the panel shall be appointed as follows:

a. The board shall appoint two board members.

b. The Governor shall appoint one member.

c. The Chief Financial Officer shall appoint one member.

d. The Commissioner of Insurance Regulation shall appoint a representative of the office to serve as a member.

e. The President of the Senate shall appoint one member.

f. The Speaker of the House of Representatives shall appoint one member.

Members of the panel must be residents of this state with insurance expertise. Members shall elect a chair and shall serve 3-year terms each. The panel shall operate independently of any state agency and shall be administered by the corporation. The panel shall make an annual report to the President of the Senate and the Speaker of the House of Representatives on or before February 1 of each year recommending the areas that should be eligible for the high-risk account of the corporation. Members shall not receive compensation and are not entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061, except for any panel member who is a state employee.

3. The Legislature's intent provided in subparagraphs (a)1. and 2. shall provide guidance for the panel to use in the panel's recommendations to the Legislature required in subparagraph 1. The panel shall consider the following factors in fulfilling its responsibilities under this paragraph:

a. The number of commercial risks in a given area that are unable to find wind coverage from the voluntary admitted market.

b. Reports from members of the mortgage industry indicating difficulty in finding forced placed policies for commercial wind coverage.

c. The number of approved excess and surplus lines carriers certifying an unwillingness to provide commercial wind coverage similar to that approved for use by the office for the voluntary admitted market.

d. Other relevant factors.

The office and the corporation shall provide the panel with any information the panel considers necessary to determine areas eligible for the high-risk account of the corporation. For the purpose of making accurate determinations for areas eligible for the high-risk account of the corporation, the panel may interview and request and receive information from residents of this state in areas impacted by this paragraph, including, but not limited to, insurance agents, insurance companies, actuaries, and other insurance professionals. Upon request of the panel, the office may conduct public hearings in areas that may be impacted by the panel's recommendations.

4. Notwithstanding other provisions of this paragraph, the panel shall conduct an analysis to determine the areas to be eligible for the high-risk account of the corporation for any county that contains an eligible area extending more than 2 miles from the coast, any coastal county that does not have areas designated as eligible for the high-risk account, and counties with barrier islands whether or not such islands or portions of such islands are currently eligible for the high risk account. The panel shall submit a report, including its analysis, to the office and to the corporation by November 30, 2006. The report shall specify changes to the areas eligible for the high-risk account for such affected counties based on its analysis.

Section 12. Effective January 1, 2007, paragraph (c) of subsection (6) of section 627.351, Florida Statutes, as amended by this act, is amended to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to

residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g) 2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of 8 individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board, as recommended by the Chief Financial Officer, and serve at the pleasure of the board. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board and the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three

representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. To preserve existing incentives for carriers to write dwellings in the voluntary market and not in the corporation, the corporation shall continue to offer authorized insurers, including insurers writing dwellings valued at $1 million or more, the same voluntary writing credits that were available on January 1, 2006, to carriers writing wind coverage for dwellings in the areas eligible for coverage in the high-risk account.

d. With respect to personal lines residential risks, if the risk is a dwelling with an insured value of $1 million or more, or if the risk is one that is excluded from the coverage to be provided by the condominium association under s. 718.111(11)(b) and that is insured by the condominium unit owner for a combined dwelling and contents replacement cost of $1 million or more, the risk is not eligible for any policy issued by the corporation. Rates and forms for personal lines residential risks not eligible for coverage by the corporation specified by this sub-subparagraph are not subject to ss. 627.062 and 627.0629. Such rates and forms are subject to all other applicable provisions of this code and rules adopted under this code. During the course of an insurer's market conduct examination, the office may review the rate for any risk to which the provisions of this sub-subparagraph are applicable to determine if such rate is inadequate or unfairly discriminatory. Rates on personal lines residential risks not eligible for coverage by the corporation may be found inadequate by the office if they are clearly insufficient, together with the investment income attributable to such risks, to sustain projected losses and expenses in the class of business to which such rates apply. Rates on personal lines residential risks not eligible for coverage by the corporation may also be found inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed that exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks. Rates on personal lines residential risks not eligible for coverage by the corporation may be found to be unfairly discriminatory as to a risk or group of risks by the office if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks. A rating plan, including discounts, credits, or surcharges on personal lines residential risks not eligible for coverage by the corporation may also be found to be unfairly discriminatory if the plan fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adjusted pursuant to s. 627.0625. The office may order an insurer to discontinue using a rate for new policies or upon renewal of a policy if the office finds the rate to be inadequate or unfairly discriminatory.

Insurers must maintain records and documentation relating to rates and forms subject to this sub-subparagraph for a period of at least 5 years after the effective date of the policy.

e. For policies subject to nonrenewal as a result of the risk being no longer eligible for coverage pursuant to sub-subparagraph d., the corporation shall, directly or through the market assistance plan, make information from confidential underwriting and claims files of policyholders available only to licensed general lines agents who register with the corporation to receive such information according to the following procedures:

(I) By August 1, 2006, the corporation shall provide policyholders who are not eligible for renewal pursuant to sub-subparagraph d. the opportunity to request in writing, within 30 days after the notification is sent, that information from their confidential underwriting and claims files not be released to licensed general lines agents registered pursuant to sub-sub-subparagraph e.(II);

(II) By August 1, 2006, the corporation shall make available to licensed general lines agents the registration procedures to be used to obtain confidential information from underwriting and claims files for policies not eligible for renewal pursuant to sub-subparagraph d. As a condition of registration, the corporation shall require the licensed general lines agent to attest that the agent has the experience and relationships with authorized or surplus lines carriers to attempt to offer replacement coverage for policies not eligible for renewal pursuant to sub-subparagraph d.

(III) By September 1, 2006, the corporation shall make available through a secured website to licensed general lines agents registered pursuant to sub-sub-subparagraph e.(II) application, rating, loss history, mitigation, and policy type information relating to all policies not eligible for renewal pursuant to sub-subparagraph d. and for which the policyholder has not requested the corporation withhold such information pursuant to sub-sub-subparagraph e.(I). The licensed general lines agent registered pursuant to sub-sub-subparagraph e.(II) may use such information to contact and assist the policyholder in securing replacement policies and the agent may disclose to the policyholder such information was obtained from the corporation.

f. With respect to nonhomestead property, eligibility must be determined in accordance with sub-sub-sub-subparagraph (b)2.a.(II)(A).

6. Must provide by July 1, 2007, that an application for coverage for a new policy is subject to a waiting period of 10 days before coverage is effective, during which time the corporation shall make such application available for review by general lines agents and authorized property and casualty insurers. The board may approve exceptions that allow for coverage to be effective before the end of the 10-day waiting period, for coverage issued in conjunction with a real estate closing, and for such other exceptions as the board determines are necessary to prevent lapses in coverage.

7. Must include rules for classifications of risks and rates therefor.

8. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

9. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

10. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss in the homestead accounts as determined by the board of governors.

11. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines homestead account, the commercial lines residential homestead account, or the high-risk homestead account, the corporation shall levy upon corporation homestead account policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a Citizens policyholder surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the year preceding the year in which the deficit to which the regular assessment related is incurred. Citizens policyholder surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay the Citizens policyholder a market equalization surcharge shall be treated as failure to pay premium. Notwithstanding any other provision of this section, for purposes of the Citizens policyholder surcharges to be levied pursuant to this subparagraph, the total amount of the regular assessment to which such Citizens policyholder surcharge relates shall be determined as set forth in sub-subparagraphs (b)3.a., b., and c.

12. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

13. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation or an insurer writing coverage pursuant to part VIII of chapter 626. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

14. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

15. Must provide that, with respect to the high-risk homestead account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. ~~In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However,~~ A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

16. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

17. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows for quarterly and semiannual payment of premiums.

18. Must provide that the hurricane deductible for any property in the nonhomestead account with an insured value of $250,000 or more must be at least 5 percent of the insured value.

19. Must provide that the application for coverage under the nonhomestead account and the declaration page of each nonhomestead account policy include a statement in boldface 12-point type specifying that public subsidies do not support the corporation's coverage of nonhomestead property; that if the nonhomestead account of the corporation sustains a deficit or is unable to pay claims, the nonhomestead policyholder shall be subject to an immediate assessment in an amount up to 100 percent of the premium and a further assessment upon renewal of the policy; and that the applicant or policyholder may wish to seek alternative coverage from an authorized insurer or surplus lines insurer that will not be subject to such potential assessments.

20. Must provide that the application for coverage under any of the homestead accounts and the declaration page of each homestead account policy include a statement in boldface 12-point type specifying that a false declaration of homestead status for purposes of obtaining coverage in any of the homestead accounts may constitute the offense of insurance fraud, as prohibited and punishable as a felony under s. 817.234.

21. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

Section 13. Effective July 1, 2006, section 627.3517, Florida Statutes, is amended to read:

627.3517 Consumer choice.--

(1) Except as provided in subsection (2), no provision of s. 627.351, s. 627.3511, or s. 627.3515 shall be construed to impair the right of any insurance risk apportionment plan policyholder, upon receipt of any keepout or take-out offer, to retain his or her current agent, so long as that agent is duly licensed and appointed by the insurance risk apportionment plan or otherwise authorized to place business with the insurance risk apportionment plan. This right shall not be canceled, suspended, impeded, abridged, or otherwise compromised by any rule, plan of operation, or depopulation plan, whether through keepout, take-out, midterm assumption, or any other means, of any insurance risk apportionment plan or depopulation plan, including, but not limited to, those described in s. 627.351, s. 627.3511, or s. 627.3515. The commission shall adopt any rules necessary to cause any insurance risk apportionment plan or market assistance plan under such sections to demonstrate that the operations of the plan do not interfere with, promote, or allow interference with the rights created under this section. If the policyholder's current agent is unable or unwilling to be appointed with the insurer making the take-out or keepout offer, the policyholder shall not be disqualified from participation in the appropriate insurance risk apportionment plan because of an offer of coverage in the voluntary market. An offer of full property insurance coverage by the insurer currently insuring either the ex-wind or wind-only coverage on the policy to which the offer applies shall not be considered a take-out or keepout offer. Any rule, plan of operation, or plan of depopulation, through keepout, take-out, midterm assumption, or any other means, of any property insurance risk apportionment plan under s. 627.351(2) or (6) is subject to ss. 627.351(2)(b) and (6)(c) and 627.3511(4).

(2) This section does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation under s. 627.351(6), whether or not coverage is bound during this period.

Section 14. Section 627.3519, Florida Statutes, is created to read:

627.3519 Annual report of aggregate net probable maximum losses, financing options, and potential assessments.--No later than February 1 of each year, the Financial Services Commission shall provide to the Legislature a report of the aggregate net probable maximum losses, financing options, and potential assessments of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation. The report must include the respective 50-year, 100-year, and 250-year probable maximum losses of the fund and the corporation; analysis of all reasonable financing strategies for each such probable maximum loss, including the amount and term of debt instruments; specification of the percentage assessments that would be needed to support each of the financing strategies; and calculations of the aggregate assessment burden on Florida property and casualty policyholders for each of the probable maximum losses. The commission shall require the fund and the corporation to provide the commission with such data and analysis as the commission considers necessary to prepare the report.

Section 15. Paragraph (b) of subsection (3) of section 627.4035, Florida Statutes, is amended to read:

627.4035 Cash payment of premiums; claims.--

(3) All payments of claims made in this state under any contract of insurance shall be paid:

(b) If authorized in writing by the recipient or the recipient's representative, by debit card or any other form of electronic transfer. Any fees or costs to be charged against the recipient must be disclosed in writing to the recipient or the recipient's representative at the time of written authorization. However, the written authorization requirement may be waived by the recipient or the recipient's representative if the insurer verifies the identity of the insured or the insured's recipient and does not charge a fee for the transaction. If the funds are misdirected, the insurer would remain liable for the payment of the claim.

Section 16. Paragraph (b) of subsection (3) of section 627.701, Florida Statutes, is amended to read:

627.701 Liability of insureds; coinsurance; deductibles.--

(3)

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after January 1, 2006, or prior to the first renewal of a residential property insurance policy on or after January 1, 2006, the insurer must offer alternative deductible amounts applicable to hurricane losses equal to $500, 2 percent, 5 percent, and 10 percent of the policy dwelling limits, unless the specific percentage deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, ~~but less than $250,000,~~ the insurer may, in lieu of offering a policy with a ~~$500 hurricane or~~ wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains up to a 2 percent hurricane deductible, for two renewal periods and that contains up to a 5 percent hurricane deductible, or for three renewal periods and that contains up to a 10 percent hurricane deductible. Notwithstanding the requirements of this paragraph, the Office of Insurance Regulation may approve the nonrenewal of such policies if the guarantee renewal of the policies may jeopardize the financial ratings of an insurer ~~or wind deductible as required by subparagraph 1~~.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the other hurricane deductibles as required by subparagraph 1.

Section 17. Effective January 1, 2007, subsection (9) is added to section 627.701, Florida Statutes, to read:

627.701 Liability of insureds; coinsurance; deductibles.--

(9) With respect to hurricane coverage provided in a policy of residential coverage, when the policyholder has taken appropriate hurricane mitigation measures regarding the residence covered under the policy, the insurer may provide the insured the option of selecting an appropriate reduction in the policy's hurricane deductible in lieu of selecting the appropriate discount credit or other rate differential as provided in s. 627.0629. If made available

by the insurer, the insurer must provide the policyholder with notice of the options available under this subsection on a form approved by the office.

Section 18. Subsections (2) and (3) of section 627.7011, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.--

(2) Unless the insurer obtains the policyholder's written refusal of the policies or endorsements specified in subsection (1), any policy covering the dwelling is deemed to include the law and ordinance coverage limited to 25 percent of the dwelling limit ~~specified in paragraph (1)(b)~~. The rejection or selection of alternative coverage shall be made on a form approved by the office. The form shall fully advise the applicant of the nature of the coverage being rejected. If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of the coverage or election of the alternative coverage on behalf of all insureds. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy when the policyholder has rejected the coverage specified in this section or has selected alternative coverage. The insurer must provide such policyholder with notice of the availability of such coverage in a form approved by the office at least once every 3 years. The failure to provide such notice constitutes a violation of this code, but does not affect the coverage provided under the policy.

(3) In the event of a loss for which a dwelling ~~or personal property~~ is insured on the basis of replacement costs, the insurer shall pay the replacement cost without reservation or holdback of any depreciation in value, whether or not the insured replaces or repairs the dwelling ~~or property~~.

(6) Insurers shall issue separate checks for living expenses, contents, and casualty proceeds. Checks for living expenses and contents should be issued directly to the policyholder.

(7) Nothing in this section shall be construed as prohibiting an insurer from limiting its liability under a policy or endorsement providing that loss will be adjusted on the basis of replacement costs to the lesser of:

(a) The limit of liability shown on the policy declarations page;

(b) The reasonable and necessary cost to repair the damaged, destroyed, or stolen covered property; or

(c) The reasonable and necessary cost to replace the damaged, destroyed, or stolen covered property.

Section 19. Effective upon this act becoming a law, section 627.7019, Florida Statutes, is created to read:

627.7019 Standardization of requirements applicable to insurers after natural disasters.--

(1) The commission shall adopt by rule, pursuant to s. 120.54(1)-(3), standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The rules shall address the following areas:

(a) Claims reporting requirements.

(b) Grace periods for payment of premiums and performance of other duties by insureds.

(c) Temporary postponement of cancellations and nonrenewals.

(2) The rules adopted pursuant to this section shall require the office to issue an order within 72 hours after the occurrence of a hurricane or other natural disaster specifying, by line of insurance, which of the standardized requirements apply, the geographic areas in which they apply, the time at which applicability commences, and the time at which applicability terminates.

(3) The commission and the office may not adopt an emergency rule under s. 120.54(4) in conflict with any provision of the rules adopted under this section.

(4) The commission shall initiate rulemaking under this section no later than June 1, 2006.

Section 20. Paragraph (f) is added to subsection (2) of section 627.706, Florida Statutes, to read:

627.706 Sinkhole insurance; definitions.--

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for sinkhole losses:

(f) "Structural damage" means damage that has affected the ability of the structure to carry the loads for which it was designed or that it was capable of carrying when the structure was originally constructed.

Section 21. Subsection (5) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.--

(5) Any person having a claim against an insolvent insurer as defined in s. 631.54(6)~~(5)~~ under the provisions of this section shall present such claim for payment to the Florida Insurance Guaranty Association only. In the event of a payment to any person in settlement of a claim arising under the provisions of this section, the association is not subrogated or entitled to any recovery against the claimant's insurer. The association, however, has the rights of recovery as set forth in chapter 631 in the proceeds recoverable from the assets of the insolvent insurer.

Section 22. Paragraph (f) is added to subsection (2) of section 631.181, Florida Statutes, to read:

631.181 Filing and proof of claim.--

(2)

(f) The signed statement required by this section shall not be required on claims for which adequate claims file documentation exists within the records of the insolvent insurer. Claims for payment of unearned premium shall not be required to use the signed statement required by this section if the receiver certifies to the guaranty fund that the records of the insolvent insurer are sufficient to determine the amount of unearned premium owed to each policyholder of the insurer and such information is remitted to the guaranty fund by the receiver in electronic or other mutually agreed-upon format.

Section 23. Subsections (5), (6), (7), and (8) of section 631.54, Florida Statutes, are renumbered as subsections (6), (7), (8), and (9), respectively, and a new subsection (5) is added to that section, to read:

631.54 Definitions.--As used in this part:

(5) "Homeowner's insurance" means personal lines residential property insurance coverage that consists of the type of coverage provided under homeowner's, dwelling, and similar policies for repair or replacement of the insured structure and contents, which policies are written directly to the individual homeowner. Residential coverage for personal lines as set forth in this section includes policies that provide coverage for particular perils such as windstorm and hurricane coverage but excludes all coverage for mobile homes, renter's insurance, or tenant's coverage. The term "homeowner's insurance" excludes commercial residential policies covering condominium associations or homeowners' associations, which associations have a responsibility to provide insurance coverage on residential units within the association, and also excludes coverage for the common elements of a homeowners' association.

Section 24. Subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.--

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in s. 631.54(7)~~(6)~~ shall be members of the association as a condition of their authority to transact insurance in this state, and, further, as a condition of such authority, an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated. The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 25. Paragraph (a) of subsection (1), paragraph (d) of subsection (2), and paragraph (a) of subsection (3) of section 631.57, Florida Statutes, are amended, and paragraph (e) is added to subsection (3) of that section, to read:

631.57 Powers and duties of the association.--

(1) The association shall:

(a)1. Be obligated to the extent of the covered claims existing:

a. Prior to adjudication of insolvency and arising within 30 days after the determination of insolvency;

b. Before the policy expiration date if less than 30 days after the determination; or

c. Before the insured replaces the policy or causes its cancellation, if she or he does so within 30 days of the determination.

2. The obligation under subparagraph 1. shall include only the amount of each covered claim that is in excess of $100 and is less than $300,000, except policies providing coverage for homeowner's insurance shall provide for an additional $200,000 for the portion of a covered claim that relates only to the damage to the structure and contents.

3.a.~~2.~~ Notwithstanding subparagraph 2., the obligation under subparagraph 1. for ~~shall include only that amount of each covered claim which is in excess of $100 and is less than $300,000, except with respect to~~ policies covering condominium associations or homeowners' associations, which associations have a responsibility to provide insurance coverage on residential units within the association, ~~the obligation~~ shall include that amount of each covered property insurance claim which is less than $100,000 multiplied by the number of condominium units or other residential units; however, as to homeowners' associations, this sub-subparagraph ~~subparagraph~~ applies only to claims for damage or loss to residential units and structures attached to residential units.

b. Notwithstanding sub-subparagraph a., the association has no obligation to pay covered claims that are to be paid from the proceeds of bonds issued under s. 631.695. However, the association shall assign and pledge the first available moneys from all or part of the assessments to be made under paragraph (3)(a) to or on behalf of the issuer of such bonds for the benefit of the holders of such bonds. The association shall administer any such covered claims and present valid covered claims for payment in accordance with the provisions of the assistance program in connection with which such bonds have been issued.

3. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(2) The association may:

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this part. Additionally, the association may enter into such contracts with a municipality, a county, or a legal entity created pursuant to s. 163.01(7)(g) as are necessary in order for the municipality, county, or legal entity to issue bonds under s. 631.695. In connection with the issuance of any such bonds and the entering into of any such necessary contracts, the association may agree to such terms and conditions as the association deems necessary and proper.

(3)(a) To the extent necessary to secure the funds for the respective accounts for the payment of covered claims, ~~and also~~ to pay the reasonable costs to administer the same, and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(c) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy assessments in the proportion that each insurer's net direct written premiums in this state in the classes protected by the account bears to the total of said net direct written premiums received in this state by all such insurers for the preceding calendar year for the kinds of insurance included within such account. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each insurer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. Every assessment shall be made as a uniform percentage applicable to the net direct written premiums of each insurer in the kinds of insurance included within the account in which the assessment is made. The assessments levied against any insurer shall not exceed in any one year more than 2 percent of that insurer's net direct written premiums in this state for the kinds of insurance included within such account during the calendar year next preceding the date of such assessments.

(e)1.a. In addition to assessments otherwise authorized in paragraph (a) and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(c) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy emergency assessments upon insurers holding a certificate of authority. The emergency assessments payable under this paragraph by any insurer shall not exceed in any single year more than 2 percent of that insurer's direct written premiums, net of refunds, in this state during the preceding calendar year for the kinds of insurance within the account specified in s. 631.55(2)(c).

b. Any emergency assessments authorized under this paragraph shall be levied by the office upon insurers referred to in sub-subparagraph a., upon certification as to the need for such assessments by the board of directors, in each year that bonds issued under s. 631.695 and secured by such emergency assessments are outstanding, in such amounts up to such 2-percent limit as required in order to provide for the full and timely payment of the principal of, redemption premium, if any, and interest on, and related costs of issuance of, such bonds. The emergency assessments provided for in this paragraph are assigned and pledged to the municipality, county, or legal entity issuing bonds under s. 631.695 for the benefit of the holders of such bonds, in order to enable such municipality, county, or legal entity to provide for the payment of the principal of, redemption premium, if any, and interest on such bonds, the cost of issuance of such bonds, and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, without the necessity of any further action by the association, the office, or any other party. To the extent bonds are issued under s. 631.695 and the association determines to secure such bonds by a pledge of revenues received from the emergency assessments, such bonds, upon such pledge of revenues, shall be secured by and payable from the proceeds of such emergency assessments, and the proceeds of emergency assessments levied under this paragraph shall be remitted directly to and administered by the trustee or custodian appointed for such bonds.

c. Emergency assessments under this paragraph may be payable in a single payment or, at the option of the association, may be payable in 12 monthly installments with the first installment being due and payable at the end of the month after an emergency assessment is levied and subsequent installments being due not later than the end of each succeeding month.

d. If emergency assessments are imposed, the report required by s. 631.695(7) shall include an analysis of the revenues generated from the emergency assessments imposed under this paragraph.

e. If emergency assessments are imposed, the references in sub-subparagraph (1)(a)3.b. and s. 631.695(2) and (7) to assessments levied under paragraph (a) shall include emergency assessments imposed under this paragraph.

2. In order to ensure that insurers paying emergency assessments levied under this paragraph continue to charge rates that are neither inadequate nor excessive, within 90 days after being notified of such assessments, each insurer that is to be assessed pursuant to this paragraph shall submit a rate filing for coverage included within the account specified in s. 631.55(2)(c) and for which rates are required to be filed under s. 627.062. If the filing reflects a rate change that, as a percentage, is equal to the difference between the rate of such assessment and the rate of the previous year's assessment under this paragraph, the filing shall consist of a certification so stating and shall be deemed approved when made. Any rate change of a different percentage shall be subject to the standards and procedures of s. 627.062.

3. An annual assessment under this paragraph shall continue while the bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund bonds issued pursuant to s. 631.695, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of such bonds.

4. Emergency assessments under this paragraph are not premium and are not subject to the premium tax, to any fees, or to any commissions. An insurer is liable for all emergency assessments that the insurer collects and shall treat the failure of an insured to pay an emergency assessment as a failure to pay the premium. An insurer is not liable for uncollectible emergency assessments.

Section 26. Section 631.695, Florida Statutes, is created to read:

631.695 Revenue bond issuance through counties or municipalities.--

(1) The Legislature finds:

(a) The potential for widespread and massive damage to persons and property caused by hurricanes making landfall in this state can generate insurance claims of such a number as to render numerous insurers operating within this state insolvent and therefore unable to satisfy covered claims.

(b) The inability of insureds within this state to receive payment of covered claims or to timely receive such payment creates financial and other hardships for such insureds and places undue burdens on the state, the affected units of local government, and the community at large.

(c) In addition, the failure of insurers to pay covered claims or to timely pay such claims due to the insolvency of such insurers can undermine the public's confidence in insurers operating within this state, thereby adversely affecting the stability of the insurance industry in this state.

(d) The state has previously taken action to address these problems by adopting the Florida Insurance Guaranty Association Act, which, among other things, provides a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer.

(e) In the wake of the unprecedented destruction caused by various hurricanes that have made landfall in this state, the resultant covered claims, and the number of insurers rendered insolvent thereby, make it evident that alternative programs must be developed to allow the Florida Insurance Guaranty Association to more expeditiously and effectively provide for the payment of covered claims.

(f) It is therefore determined to be in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of the residents of this state and for the protection and preservation of the economic stability of insurers operating in this state and it is declared to be an essential public purpose to permit certain municipalities and counties to take such actions as will provide relief to claimants and policyholders having covered claims against insolvent insurers operating in this state by expediting the handling and payment of covered claims.

(g) To achieve the foregoing purposes, it is proper to authorize municipalities and counties of this state substantially affected by the landfall of a hurricane to issue bonds to assist the Florida Insurance Guaranty Association in expediting the handling and payment of covered claims of insolvent insurers.

(h) In order to avoid the needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, it is in the best interests of the residents of this state to authorize municipalities and counties severely affected by a hurricane to provide for the payment of covered claims beyond their territorial limits in the implementation of such programs.

(i) It is a paramount public purpose for municipalities and counties substantially affected by the landfall of a hurricane to be able to issue bonds for the purposes described in this section. Such issuance shall provide assistance to residents of those municipalities and counties as well as to other residents of this state.

(2) The governing body of any municipality or county, the residents of which have been substantially affected by a hurricane, may issue bonds to fund an assistance program in conjunction with, and with the consent of, the Florida Insurance Guaranty Association for the purpose of paying claimants' or policyholders' covered claims, as defined in s. 631.54, arising through the insolvency of an insurer, which insolvency is determined by the Florida Insurance Guaranty Association to have been a result of a hurricane, regardless of whether the claimants or policyholders are residents of such municipality or county or the property to which the claim relates is located within or outside the territorial jurisdiction of the municipality or county. The power of a municipality or county to issue bonds, as described in this section, is in addition to any powers granted by law and may not be abrogated or restricted by any provisions in such municipality's or county's charter. A municipality or county issuing bonds for this purpose shall enter into such contracts with the Florida Insurance Guaranty Association or any entity acting on behalf of the Florida Insurance Guaranty Association as are necessary to implement the assistance program. Any bonds issued by a municipality or county or a combination thereof under this subsection shall be payable from and secured by moneys received by or on behalf of the municipality or county from assessments levied under s. 631.57(3)(a) and assigned and pledged to or on behalf of the municipality or county for the benefit of the holders of the bonds in connection with the assistance program. The funds, credit, property, and taxing power of the state or any municipality or county shall not be pledged for the payment of such bonds.

(3) Bonds may be validated by the municipality or county pursuant to chapter 75. The proceeds of the bonds may be used to pay covered claims of insolvent insurers; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, costs of obtaining credit enhancement or liquidity support, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the association may determine. The term of the bonds may not exceed 30 years.

(4) The state covenants with holders of bonds of the assistance program that the state will not take any action that will have a material adverse effect on the holders and will not repeal or abrogate the power of the board of directors of the association to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of the bonds as long as any of the bonds remain outstanding, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of the bonds.

(5) The accomplishment of the authorized purposes of such municipality or county under this section is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. The municipality or county, in performing essential governmental functions in accomplishing its purposes, is not required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by the county or municipality for such purposes or upon any revenues at any time received by the county or municipality. The bonds, notes, and other obligations of the municipality or county and the transfer of and income from such bonds, notes, and other obligations, including any profits made on the sale of such bonds, notes, and other obligations, are exempt from taxation of any kind by the state or by any political subdivision or other agency or instrumentality of the state. The exemption granted in this subsection is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(6) Two or more municipalities or counties, the residents of which have been substantially affected by a hurricane, may create a legal entity pursuant to s. 163.01(7)(g) to exercise the powers described in this section as well as those powers granted in s. 163.01(7)(g). References in this section to a municipality or county includes such legal entity.

(7) The association shall issue an annual report on the status of the use of bond proceeds as related to insolvencies caused by hurricanes. The report must contain the number and amount of claims paid. The association shall also include an analysis of the revenue generated from the assessment levied under s. 631.57(3)(a) to pay such bonds. The association shall submit a copy of the report to the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer within 90 days after the end of each calendar year in which bonds were outstanding.

Section 27. No provision of s. 631.57 or s. 631.695, Florida Statutes, shall be repealed until such time as the principal, redemption premium, if any, and interest on all bonds issued under s. 631.695, Florida Statutes, payable and secured from assessments levied under s. 631.57(3)(a), Florida Statutes, have been paid in full or adequate provision for such payment has been made in accordance with the bond resolution or trust indenture pursuant to which the bonds were issued.

Section 28. Paragraph (a) of subsection (1) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.--

(1)(a) A person commits insurance fraud punishable as provided in subsection (11) if that person, with the intent to injure, defraud, or deceive any insurer:

1. Presents or causes to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim;

2. Prepares or makes any written or oral statement that is intended to be presented to any insurer in connection with, or in support of, any claim for payment or other benefit pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim; or

3.a. Knowingly presents, causes to be presented, or prepares or makes with knowledge or belief that it will be presented to any insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any employee or agent thereof, any false, incomplete, or misleading information or written or oral statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a health maintenance organization subscriber or provider contract, including any false declaration of homestead status for the purpose of obtaining coverage in a homestead account under s. 627.351(6); or

b. Who knowingly conceals information concerning any fact material to such application.

Section 29. Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.--

(1) TASK FORCE CREATED.--There is created the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.

(2) ADMINISTRATION.--The task force shall be administratively housed within the Office of Insurance Regulation but shall operate independently of any state officer or agency. The office shall provide such administrative support as the task force deems necessary to accomplish its mission and shall provide necessary funding for the task force within the office's existing resources. The Executive Office of the Governor, the Department of Financial Services, the Office of Insurance Regulation, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs shall provide substantive staff support for the task force.

(3) MEMBERSHIP.--The members of the task force shall be appointed as follows:

(a) The Governor shall appoint two members who have expertise in financial matters, one of whom is a representative of the mobile or manufactured home industry and one of whom is a representative of insurance consumers.

(b) The Chief Financial Officer shall appoint two members who have expertise in financial matters, one of whom is a representative of a property insurer writing mobile or manufactured homeowners insurance in this state and one of whom is a representative of insurance agents.

(c) The President of the Senate shall appoint one member.

(d) The Speaker of the House of Representatives shall appoint one member.

(e) The Commissioner of Insurance Regulation or his or her designee shall serve as an ex officio voting member of the task force.

(f) The Executive Director of Citizens Property Insurance or his or her designee shall serve as an ex officio voting member of the task force.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Incorporated or his or her designee shall serve as an ex officio voting member of the task force.

Members of the task force shall serve without compensation but may receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(4) PURPOSE AND INTENT.--The Legislature recognizes the continued availability of hurricane insurance coverage for mobile and manufactured home owners in this state is essential to the state's economic survival. The Legislature further recognizes hurricane mitigation measures and building codes may reduce the likelihood or amount of damage to mobile or manufactured homes in the event of a hurricane. The Legislature further recognizes mobile and manufactured homes provide safe and affordable housing to many residents of this state. The purpose of the task force is to make recommendations to the legislative and executive branches of this state's government relating to the creation and maintenance of insurance capacity in the private sector and public sector that is sufficient to ensure that all mobile and manufactured home owners in this state are able to obtain appropriate insurance coverage for hurricane losses and relating to the effectiveness of hurricane mitigation measures for mobile or manufactured homes as further described in this section.

(5) SPECIFIC TASKS.--The task force shall conduct such research and hearings as the task force deems necessary to achieve the purposes specified in subsection (4) and shall develop information on relevant issues, including, but not limited to, the following issues:

(a) Whether this state currently has sufficient hurricane insurance capacity for mobile and manufactured homes to ensure the continuation of a healthy, competitive marketplace, taking into consideration private-sector and public-sector resources.

(b) Identifying the future demands on the hurricane insurance capacity of this state, taking into account population growth, coastal growth, and anticipated future hurricane activity.

(c) Identifying how many mobile or manufactured homes are occupied in this state, how many mobile or manufactured homes are occupied by owners who also own the land to which the unit is attached, the age or average age of mobile or manufactured homes, the location of such homes, and the size of such homes.

(d) The extent to which the growth in insurance on mobile or manufactured homes in Citizens Property Insurance Corporation is attributable to insufficient insurance capacity.

(e) The extent to which the growth trends of Citizens Property Insurance Corporation create long-term problems for mobile and manufactured home owners in this state and for other persons and businesses that depend on a viable market.

(f) The extent to which insurance discounts, credits, or other rate differentials or reductions in the hurricane insurance deductible for a mobile or manufactured homeowner who takes mitigative measures would increase hurricane insurance capacity for mobile or manufactured homeowners.

(g) The extent hurricane mitigation enhancements to mobile or manufactured homes decreases the likelihood of damage from a hurricane or decreases the amount of damage from a hurricane.

(h) The extent to which the building codes reduce the likelihood of damage or amount of damage to mobile or manufactured homes.

(6) REPORT AND RECOMMENDATIONS.--By January 1, 2007, the task force shall provide a report containing findings relating to the tasks identified in subsection (5) and recommendations consistent with the purposes of this section and also consistent with such findings. The task force shall submit the report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives. The task force may also submit such interim reports as the task force deems appropriate.

(7) EXPIRATION.--The task force shall expire on January 2, 2007.

Section 30. By January 1, 2007, the Office of Insurance Regulation shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. In preparing the report, the office shall consult with the Department of Highway Safety and Motor Vehicles, the Department of Community Affairs, the Florida Building Commission, the Florida Home Builders Association, representatives of the mobile and manufactured home industry, representatives of the property and casualty insurance industry, and any other party the office determines is appropriate. The report shall include findings and recommendations on the insurability of attached or free standing structures to residential homes, mobile, or manufactured homes, such as carports or pool enclosures; the increase or decrease in insurance costs associated with insuring such structures; the feasibility of insuring such structures; the impact on homeowners of not having insurance coverage for such structures; the ability of mitigation measures relating to such structures to reduce risk and loss; and such other

related information as the office determines is appropriate for the Legislature to consider.

Section 31. (1) The Office of Insurance Regulation, in consultation with the Department of Community Affairs, the Department of Financial Services, the Federal Alliance for Safe Homes, the Florida Insurance Council, the Florida Home Builders Association, the Florida Manufactured Housing Association, the Risk and Insurance Department of Florida State University, and the Institute for Business and Homes Safety, shall study and develop a program that will provide an objective rating system that will allow homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane.

(2) The rating system will be designed in a manner that is easy to understand for the property owner, based on proven readily verifiable mitigation techniques and devices, and able to be implemented based on a visual inspection program. The Department of Financial Services shall implement a pilot program for use in the Florida Comprehensive Hurricane Damage Mitigation Program.

(3) The Department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 31, 2007, detailing the nature and construction of the rating scale, its effectiveness based on implementation in a pilot program, and an operational plan for statewide implementation of the rating scale.

Section 32. (1) For fiscal year 2006-2007, the sum of $100 million is appropriated from the General Revenue Fund to the Department of Financial Services for the Florida Hurricane Damage Prevention Endowment as a nonrecurring appropriation for the purposes specified in s. 215.558, Florida Statutes.

(2) The sum of $400 million is appropriated from the General Revenue Fund to the Department of Financial Services as a nonrecurring appropriation for the purposes specified in s. 215.5586, Florida Statutes.

(3) Funds provided in subsections (1) and (2) shall be transferred by the department to the Florida Hurricane Damage Prevention Trust Fund, as created in s. 215.5585, Florida Statutes.

(4) For fiscal year 2006-2007, the recurring sum of $5 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Financial Incentives for Hurricane Damage Prevention.

(5) For fiscal year 2006-2007, the nonrecurring sum of $400 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Florida Comprehensive Hurricane Damage Mitigation Program. The department may spend up to 1 percent of the funds appropriated to administer the program. The department may spend up to $7.5 million to fund the Manufactured Housing and Mobile Home Hurricane Mitigation Program that is part of the Florida Comprehensive Hurricane Damage Mitigation Program. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the department to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the Florida Hurricane Damage Prevention Trust Fund at the end of the 2010-2011 fiscal year.

Section 33. (1) For fiscal year 2006-2007, the sum of $920 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Financial Services for transfer to the Citizens Property Insurance Corporation as an allocation to regular assessments on assessable insurers and insureds, as authorized under s. 627.351(6)(b)3.b., Florida Statutes, for the 2005 Plan Year deficit. The board of governors of the corporation shall allocate the appropriated state moneys to each of the personal lines, commercial lines, and high-risk accounts so as to totally eliminate the deficit for calendar year 2005 in each such account that would have been paid from the proceeds of regular assessment but for the appropriated moneys. The moneys allocated to each account from the appropriations shall be considered to be and shall be treated as proceeds of regular assessments for purposes of financing documents of the corporation. No regular assessments shall be imposed for any portion of the calendar year 2005 deficit paid from the appropriated moneys. The transfer made by the department to the corporation shall be limited to the amount of the total regular assessments that were authorized by law to cover the 2005 Plan Year deficit. Any unused and remaining funds in this appropriation shall revert to the General Revenue Fund.

(2) The corporation shall amortize over a 10-year period any emergency assessments resulting from the 2005 Plan Year deficit.

Section 34. For fiscal year 2006-2007, the sums of $250,000 in recurring funds and $425,000 in nonrecurring funds are appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services to the Office of Insurance Regulation for the purpose of carrying out reporting and administrative responsibilities of this act.

Section 35. Except as otherwise expressly provided in this act, 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 property and casualty insurance; amending s. 215.555, F.S.; revising a definition; authorizing the State Board of Administration to make available to certain insurers a contract to cede certain portions of surplus to the Florida Hurricane Catastrophe Fund; providing contract criteria and requirements; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; deleting a revenue bond issuance prohibition and validation requirement; revising certain revenue bond emergency assessment requirements; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; creating the Manufactured Housing and Mobile Home Hurricane Mitigation Program for certain purposes; requiring the Department of Financial Services to develop the program in consultation with certain entities; specifying requirements of the program; specifying the program as a matching grant program for improvement of mobile homes and manufactured homes; providing for distribution of the grants to the Department of Financial Services for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for certain manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; creating an advisory council; providing for appointment of members; specifying service without compensation; providing for per diem and travel expense reimbursements; requiring the department to obtain supplemental federal grants or funds for the program; requiring the department to adopt rules; creating s. 252.63, F.S.; providing purpose and intent; providing powers of the Commissioner of Insurance Regulation during a state of emergency; providing a purpose and intent; authorizing the commissioner to issue certain orders in a state of emergency; providing for effect and duration of such orders; providing for legislative termination of such orders; requiring the commissioner to publish such orders and an explanatory statement; amending s. 626.918, F.S.;

authorizing certain letters of credit to fund an insurer's required policyholder protection trust fund; providing a definition; amending s. 627.062, F.S.; specifying certain rate filings as not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; revising provisions providing for recoupment of certain reinsurance costs; specifying nonapplication to certain types of insurance; specifying approval of certain rate filings under certain circumstances; providing an exception; requiring the office to provide annual reports on the impact of certain rate regulations; specifying report requirements; amending s. 627.0628, F.S.; prohibiting certain office or consumer advocate questions of certain models reviewed by the commission; amending s. 627.0645, F.S.; authorizing the office to exempt certain companies from certain rate filing and rate certification requirements; amending s. 627.06281, F.S.; prohibiting the office from using certain hurricane loss projection models under certain circumstances; amending s. 627.351, F.S., relating to the Citizens Property Insurance Corporation; providing additional legislative intent; specifying application to homestead property; providing that certain responsibilities of the Office of Insurance Regulation with respect to the plan of operation of Citizens Property Insurance Corporation be assumed by the Financial Services Commission; specifying the existing three separate accounts of the corporation as providing coverage only for homestead property; providing a definition; providing for an additional separate account for nonhomestead property; requiring separate maintenance of revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account; providing authority and requirements for coverage rates for nonhomestead properties; providing for office review of such rates or rating plans for being inadequate or unfairly discriminatory; authorizing the office to order discontinuance of certain policies under certain circumstances; requiring insurers to maintain certain records; providing for reducing regular assessments by the Citizen policyholder surcharge under certain circumstances; providing for deficit assessments against nonhomestead account policyholders under certain circumstances; authorizing the board of governors of the corporation to make loans from the homestead accounts to the nonhomestead account under certain circumstances; specifying ineligibility of certain nonhomestead account policyholders for certain coverage under certain circumstances; revising the requirements of the plan of operation of the corporation; requiring additional procedures for determining eligibility of a risk for coverage; prescribing a 10-day waiting period for applications for coverage for a new policy; authorizing exceptions; providing for determination of regular assessments to which the Citizen policyholder surcharge applies; providing for optional payment plans; specifying a minimum requirement for a hurricane deductible for certain property; specifying contents of required statements in applications for nonhomestead and homestead account coverage; requiring prospective senior management employees of the corporation to successfully pass a background check; requiring employees of the corporation to sign annually a statement that they have no conflict of interest; providing that senior managers and members of the board of governors are subject to the code of ethics and must file financial disclosure; prohibiting employees and members of the board of governors from accepting gifts or expenditures from a persons or entity, or employee thereof, which has or is under consideration for a contract with the corporation; providing penalties; providing a limitation on senior managers' representation of persons before the corporation after retirement or termination of employment and on employment with an insurer that has received a take-out bonus; prescribing guidelines for purchases of goods and services; providing guidelines on use of outside counsel; prohibiting the corporation from retaining a lobbyist; authorizing full-time employees to register and engage in lobbying; creating the Office of Internal Auditor and prescribing its duties; providing record-retention requirements; requiring establishment of a unit or division to investigate claims involving possible fraud against the corporation and another to receive and respond to consumer complaints; requiring a periodic comprehensive market conduct examination of the corporation; requiring periodic operational audits of the corporation by the Auditor General; prescribing elements to be included in such audits; requiring the corporation to limit coverage on certain mobile homes or manufactured homes; providing additional legislative intent relating to rate adequacy in the residual market; revising provisions relating to a pilot program in Monroe County; deleting provisions relating to a rate methodology panel appointed by the corporation; providing requirements and limitations for a corporation adopted bonus payment program; specifying absence of liability of producing agents of record of the corporation and employees for a take-out insurer's insolvency; deleting provisions for immunity for certain persons and entities; providing a criterion for calculating reduction or increase in probable maximum loss; providing bankruptcy petition limitations; delaying application of certain high-risk area boundary reduction provisions; providing for application of provisions relating to homestead and nonhomestead accounts to certain policies; requiring certain corporation employees to comply with certain ethics code requirements; requiring corporation employees to notify the Division of Insurance Fraud of probable commissions of fraud by corporation employees; requiring the corporation to report on the feasibility of requiring authorized insurers to issue and service specified policies of the corporation; specifying report requirements; providing immunity to producing agents and employees for specified actions taken relating to removal of policies from the corporation; providing a limitation; providing legislative intent; creating a High Risk Eligibility Panel; providing for appointment of panel members and member's terms; providing for administration of the panel by the corporation; prohibiting compensation and per diem and travel expenses; providing an exception; requiring the panel to report annually to the Legislature on the certain areas that should be included in the Citizens Property Insurance Corporation high risk account; specifying factors to be considered by the panel; providing duties of the office; authorizing the office to conduct public hearings; requiring the panel to conduct an analysis of property eligible for the high-risk account in specified areas; requiring the panel to submit a report to the office and corporation; providing requirements of the report; amending s. 627.3517, F.S.; providing that an insurance risk apportionment plan policyholder's right to retain his or her current agent does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation; creating s. 627.3519, F.S.; requiring the Financial Services Commission to report annually to the Legislature on probable maximum losses, financing options, and assessment potentials of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; amending s. 627.701, F.S.; providing additional authorization and requirements for hurricane deductibles for renewal periods; authorizing insurers to provide insureds with certain deductible selection options after hurricane mitigation measures are taken; providing a notice requirement; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; deleting application to personal property; requiring insurers to issue separate checks for certain expenses and requiring certain checks to be issued directly to a policyholder; providing construction relating to limiting the liability of an insurer for certain replacement costs; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; prohibiting certain conflicting emergency rules; amending s. 627.706, F.S.; providing a definition; amending s. 627.727, F.S.; correcting a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; amending s. 631.54, F.S.; defining the term "homeowner's insurance"; amending s. 631.55, F.S.; correcting a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for

continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 817.234, F.S.; providing an additional circumstance that constitutes committing insurance fraud; creating the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes; providing for administration by the office; specifying additional agency administrative staff; providing for appointment of task force members; requiring members to serve without compensation; providing for per diem and travel expenses; providing purpose and intent; requiring the task force to address specified issues; requiring a report to the Governor, Chief Financial Officer, and Legislature; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures ; providing report requirements; providing duties of the office; providing appropriations; specifying uses and purposes of appropriations; providing effective dates.

Rep. Ross moved the adoption of the amendment.

REPRESENTATIVE RUSSELL IN THE CHAIR

Motion

On motion by Rep. Goodlette, the rules were waived and the House agreed to consider all amendments to Amendment 1 to **HB 7225** as timely filed.

Representative Evers offered the following:

(Amendment Bar Code: 981555)

Amendment 1 to Amendment 1 (with directory and title amendments)—Remove lines 3828-3837

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

Remove line 3794 and insert:

Florida Statutes, are amended, and subsection (6) is

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

Remove lines 4733-4735 and insert:

directly to a policyholder; creating s. 627.7019, F.S.; requiring the Financial

Rep. Evers moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 914

Representative Russell in the Chair.

Yeas—63

Allen	Fields	Homan	Quinones
Ambler	Galvano	Jennings	Richardson
Antone	Gannon	Johnson	Roberson
Arza	Garcia	Joyner	Russell
Ausley	Gelber	Justice	Ryan
Barreiro	Gibson, A.	Kendrick	Sands
Bendross-Mindingall	Gibson, H.	Kottkamp	Seiler
Bilirakis	Glorioso	Kreegel	Slosberg
Brandenburg	Gottlieb	Legg	Smith
Brutus	Grant	Llorente	Sobel
Bucher	Greenstein	Machek	Sorensen
Bullard	Grimsley	Meadows	Stansel
Cusack	Harrell	Needelman	Taylor
Dean	Hays	Peterman	Troutman
Detert	Henriquez	Planas	Vana
Evers	Holloway	Porth	

Nays—52

Adams	Coley	Kravitz	Proctor
Altman	Cretul	Kyle	Reagan
Anderson	Culp	Littlefield	Rice
Attkisson	Davis, D.	Lopez-Cantera	Rivera
Baxley	Davis, M.	Mahon	Ross
Bean	Farkas	Mayfield	Rubio
Berfield	Flores	McInvale	Sansom
Bogdanoff	Gardiner	Mealor	Simmons
Brown	Goldstein	Murzin	Stargel
Brummer	Goodlette	Negron	Traviesa
Cannon	Hasner	Patterson	Waters
Carroll	Hukill	Pickens	Williams
Clarke	Jordan	Poppell	Zapata

Votes after roll call:
Yeas—Robaina
Nays—Domino
Nays to Yeas—Berfield

Representative(s) Waters, Greenstein, and Robaina offered the following:

(Amendment Bar Code: 271883)

Amendment 2 to Amendment 1 (with title amendment)—Between line(s) 4 and 5, insert:

Section 1. This act may be cited as the "John F. Cosgrove Memorial Act."

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

Remove line(s) 4535 and insert:

An act relating to property and casualty insurance; providing a short title; amending s.

THE SPEAKER IN THE CHAIR

Rep. Waters moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 915

Speaker Bense in the Chair.

Yeas—119

Adams	Ausley	Bilirakis	Bullard
Allen	Barreiro	Bogdanoff	Cannon
Altman	Baxley	Bowen	Carroll
Ambler	Bean	Brandenburg	Clarke
Anderson	Bendross-Mindingall	Brown	Coley
Antone	Bense	Brummer	Cretul
Arza	Benson	Brutus	Culp
Attkisson	Berfield	Bucher	Cusack

Davis, D.	Grimsley	Machek	Roberson
Davis, M.	Harrell	Mahon	Ross
Dean	Hasner	Mayfield	Rubio
Detert	Hays	McInvale	Russell
Domino	Henriquez	Meadows	Ryan
Evers	Holloway	Mealor	Sands
Farkas	Homan	Murzin	Sansom
Fields	Hukill	Needelman	Seiler
Flores	Jennings	Negron	Simmons
Galvano	Johnson	Patterson	Slosberg
Gannon	Jordan	Peterman	Smith
Garcia	Joyner	Pickens	Sorensen
Gardiner	Justice	Planas	Stansel
Gelber	Kendrick	Poppell	Stargel
Gibson, A.	Kottkamp	Porth	Taylor
Gibson, H.	Kravitz	Proctor	Traviesa
Glorioso	Kreegel	Quinones	Troutman
Goldstein	Kyle	Reagan	Vana
Goodlette	Legg	Rice	Waters
Gottlieb	Littlefield	Richardson	Williams
Grant	Llorente	Rivera	Zapata
Greenstein	Lopez-Cantera	Robaina	

Nays—None

Representative(s) Sands offered the following:

(Amendment Bar Code: 219395)

Amendment 3 to Amendment 1 (with title amendment)—Remove line(s) 5-4305 and insert:

Section 1. Section 215.558, Florida Statutes, is created to read:

215.558 Florida Hurricane Damage Prevention Endowment.--

(1) PURPOSE AND INTENT.--The purpose of this section is to provide a continuing source of funding for financial incentives to encourage residential property owners of this state to retrofit their properties to make them less vulnerable to hurricane damage, to help decrease the cost of residential property and casualty insurance, and to provide matching funds to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties. It is the intent of the Legislature that this section be construed liberally to effectuate its purpose.

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

(a) "Board" means the State Board of Administration.

(b) "Corpus" means the money that has been appropriated to the endowment by the 2006 Legislature, together with any amounts subsequently appropriated to the endowment that are specifically designated as contributions to the corpus and any grants, gifts, or donations to the endowment that are specifically designated as contributions to the corpus.

(c) "Earnings" means any money in the endowment in excess of the corpus, including any income generated by investments, any increase in the market value of investments net of decreases in market value, and any appropriations, grants, gifts, or donations to the endowment not specifically designated as contributions to the corpus.

(d) "Endowment" means the Florida Hurricane Damage Prevention Endowment created by this section.

(e) "Program administrator" means the Department of Financial Services.

(3) ADMINISTRATION.--

(a) The board shall invest endowment assets as provided in this section.

(b) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with board policy.

(c) The investment objective shall be long-term preservation of the value of the corpus and a specified regular annual cash outflow for appropriation, as nonrecurring revenue, for the purposes specified in subsection (4).

(d) In accordance with s. 215.44, the board shall report on the financial status of the endowment in its annual investment report to the Legislature.

(e) Costs and fees of the board for investment services shall be deducted from the assets of the endowment.

(4) FINANCIAL INCENTIVES FOR RESIDENTIAL HURRICANE DAMAGE PREVENTION ACTIVITIES.--

(a) Not less than 80 percent of the net earnings of the endowment shall be expended for financial incentives to residential property owners as described in paragraph (b), and no more than the remainder of the net earnings of the endowment shall be expended for matching fund grants to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties as described in paragraph (c). Any funds authorized for expenditure but not expended for these purposes shall be returned to the endowment.

(b)1. The program administrator, by rule, shall establish a request for a proposal process to annually solicit proposals from lending institutions under which the lending institution will provide interest-free loans to homestead property owners to pay for inspections of homestead property to determine what mitigation measures are needed and for improvements to existing residential properties intended to reduce the homestead property's vulnerability to hurricane damage, in exchange for funding from the endowment.

2. In order to qualify for funding under this paragraph, an interest-free loan program must include an inspection of homestead property to determine what mitigation measures are needed, a means for verifying that the improvements to be paid for from loan proceeds have been demonstrated to reduce a homestead property's vulnerability to hurricane damage, and a means for verifying that the proceeds were actually spent on such improvements. The program must include a method for awarding loans according to the following priorities:

a. The highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, located in the areas designated as high-risk areas for purposes of coverage by the Citizens Property Insurance Corporation.

b. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, covered by the Citizens Property Insurance Corporation, wherever located.

c. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, that are more than 40 years old.

d. The next highest priority must be given to all other single-family owner-occupied homestead dwellings insured at $500,000 or less.

3. The program administrator shall evaluate proposals based on the following factors:

a. The degree to which the proposal meets the requirements of subparagraph 2.

b. The lending institution's plan for marketing the loans.

c. The anticipated number of loans to be granted relative to the total amount of funding sought.

4. The program administrator shall annually solicit proposals from local governments and nonprofit entities for projects that will reduce hurricane damage to homestead properties. The program administrator may provide up to 50 percent of the funding for such projects. The projects may include educational programs, repair services, property inspections, and hurricane vulnerability analyses and such other projects as the program administrator determines to be consistent with the purposes of this section.

(5) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to its administration of the endowment. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university selected by the Financial Services Commission who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives selected by the Speaker of the House of Representatives.

(f) Two members of the Senate selected by the President of the Senate.

(g) The senior officer of the Florida Hurricane Catastrophe Fund.

(h) The executive director of Citizens Property Insurance Corporation.

(i) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

Section 2. Section 215.5586, Florida Statutes, is created to read:

215.5586 Florida Comprehensive Hurricane Damage Mitigation Program.--There is established within the Department of Financial Services the Florida Comprehensive Hurricane Damage Mitigation Program. The program shall be administered by an individual with prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.--

(a) Free home-retrofit inspections of site-built, residential property, including single-family, two-family, three-family, or four-family residential units, shall be offered to determine what mitigation measures are needed and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall establish a request for proposals to solicit proposals from wind certification entities to provide at no cost to homeowners wind certification and hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies corrective actions a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the mitigation features.

3. Insurer-specific information regarding premium discounts correlated to recommended mitigation features identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities.

(b) To qualify for selection by the department as a provider of wind certification and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use wind certification and hurricane mitigation inspectors who:

a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures.

b. Have undergone drug testing and background checks.

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

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

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

(a) To be eligible for a grant, a residential property must:

1. Have been granted a homestead exemption under chapter 196.

2. Be a dwelling with an insured value of $500,000 or less.

3. Have undergone an acceptable wind certification and hurricane mitigation inspection.

A residential property which is part of a multi-family residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

(b) All grants must be matched on a dollar-for-dollar basis for a total of $10,000 for the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which mitigation contractors agree to participate and seek reimbursement from the state and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection of up to at least 10 percent of all projects.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property.

(3) LOANS.--Financial incentives shall be provided as authorized by s. 215.558.

(4) EDUCATION AND CONSUMER AWARENESS.--Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.

(5) MANUFACTURED HOUSING AND MOBILE HOME HURRICANE MITIGATION PROGRAM.--The Manufactured Housing and Mobile Home Hurricane Mitigation Program shall be also be implemented under the Florida Comprehensive Hurricane Damage Mitigation Program.

(a) The program shall require the mitigation of damage to homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation shall include, but not be limited to, problems associated with weakened trusses, studs, and other structural components, site-built additions, or tie-down systems and may also address any other issues deemed appropriate by the Department of Financial Services upon consultation with the Department of Community Affairs, Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program may include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

(b) The program shall include the offering of a matching grant to owners of manufactured and mobile homes manufactured after 1993 only. Homeowners accepted for the program shall be eligible to qualify for a $5,000 dollar-for-dollar matching grant in which the homeowner may receive up to $2,500 in state moneys. The moneys appropriated for this program shall be distributed directly to the Department of Financial Services for the uses set forth under this paragraph.

(c) Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium shall be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation shall reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew.

(d) On or before January 1 of each year, the Department of Financial Services shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall set forth the number of manufactured homes and mobile homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured homes or mobile homes and attachments to such homes, and whether there has been an increase of availability of insurance products to owners of manufactured homes or mobile homes.

(6) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to his or her administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(7) FEDERAL FUNDING.-The department shall use its best efforts to obtain grants or funds from the federal government to supplement the financial resources of the program.

(8) RULES.--The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 governing the Florida Comprehensive Hurricane Damage Mitigation Program.

Section 3. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.--

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

~~(3) By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. Funding for the program shall be used to subsidize or guaranty private sector loans for this purpose to qualified homeowners by financial institutions chartered by the state or Federal Government. The department may enter into contracts with financial institutions for this purpose. The department shall establish criteria for determining eligibility for the loans and selecting recipients, standards for retrofitting homes or mobile homes, limitations on loan subsidies and loan guaranties, and other terms and conditions of the program, which must be specified in the department's report to the Legislature on January 1, 2006, required by subsection (8). For the 2005-2006 fiscal year, the Department of Community Affairs may use up to $1 million of the funds appropriated pursuant to paragraph (2)(a) to begin the low-interest loan program as a pilot project in one or more counties. The Department of Financial Services, the Office of Financial Regulation, the Florida Housing Finance Corporation, and the Office of Tourism, Trade, and Economic Development shall assist the Department of Community Affairs in establishing the program and pilot project. The department may use up to 2.5 percent of the funds appropriated in any given fiscal year for administering the loan program. The department may adopt rules to implement the program.~~

(3)~~(4)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (6) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(4)~~(5)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (6) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (8).

(5)~~(6)~~ The Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association.

(6)~~(7)~~ Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(7)~~(8)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(8)~~(9)~~ This section is repealed June 30, 2011.

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

Remove line(s) 4535-4786 and insert:

An act relating to property and casualty insurance; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation

inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; creating the Manufactured Housing and Mobile Home Hurricane Mitigation Program for certain purposes; requiring the Department of Financial Services to develop the program in consultation with certain entities; specifying requirements of the program; specifying the program as a matching grant program for improvement of mobile homes and manufactured homes; providing for distribution of the grants to the Department of Financial Services for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for certain manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; creating an advisory council; providing for appointment of members; specifying service without compensation; providing for per diem and travel expense reimbursements; requiring the department to obtain supplemental federal grants or funds for the program; requiring the department to adopt rules; amending s. 215.559, F.S.; deleting a provision requiring the Department of Community Affairs to develop a low interest loan program; creating the Task Force on Hurricane Mitigation and

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

Speaker's Portrait Unveiled

THE SPEAKER PRO TEMPORE IN THE CHAIR

On motion by Rep. Goodlette, the rules were waived and the privilege of the floor was granted to the Speaker's wife, Tonie Bense; his daughter, Courtney Bense; and his son, Jason Bense. Privilege of the floor was also granted to Jann Daughdrill, the portrait's artist; her husband, Bill Daughdrill; Patti Butchikas, the Speaker's District Aide; and Sharron Brown, the Speaker's former District Aide.

Presentation of Former Member

The Chair [Speaker pro tempore Waters] presented the Honorable Gaston I. Cantens, former member of the House.

The Chair: For what purpose does Representative Gardiner rise?

Rep. Gardiner: Request permission to approach the well, Madame Speaker.

The Chair: You may approach the well. Representative Gardiner, you're recognized for introduction and presentation.

Rep. Gardiner: Members, this morning we pause in our deliberations to recognize a special event that occurs every two years in the House: the unveiling of the Speaker's Portrait. Mr. Speaker, will you come and join me here at the well?

Joining Speaker Bense this morning is the First Lady of the Florida House, Tonie Bense, [standing ovation] along with Tonie is their daughter, Courtney, [standing ovation] and son, Jason. [standing ovation] [laughter] Taylor was not able to join us today, but I'm sure Taylor is watching on TV, maybe in class; I hope he's in class. Okay, I hope he's in class. [laughter] Along with us are Speaker Bense's District Aide, Patti Butchikas [applause] and his former Aide, Sharron Brown, who now serves with Representative Coley. [applause] The portrait that we will unveil this morning is a result of the talent and labor of Jann Daughdrill. [applause] And joining Jann is her husband Bill, joining us today as well. [applause]

The portrait that we will unveil today reflects a House tradition that honors the office of Speaker. Looking around this morning, the portraits of past Speakers give life and longevity to these Chamber walls. We can all remember our first visit to the House Chamber, and one of the most striking features when entering the Chamber is the heritage of the institution conveyed by the presence of the portraits. Over the years, each of these Speakers has left their unique imprint on Florida history. They reflect this body's long-standing commitment to Florida, and its future. And today, we come to a very special moment, when the man that we have entrusted with our mantle of leadership is given the same time-honored distinction. For many years to come, the name and likeness of Allan G. Bense will hold a place on the wall. Long after term limits have sent us home to live under the laws that we have passed, we will be able to return to this Chamber—maybe with our children, maybe with our grandchildren—and we will have the distinct privilege of pointing up to the portrait we unveil today, and say with pride that we served alongside Speaker Allan Bense, one of the greatest Speakers. [standing ovation]

Art takes many forms; it can be expressed in words, conveyed in ideas, and shaped by deeds. Art has often been our world's greatest historian, recording the critical moments of our time. Today, we celebrate Speaker Bense and the record of his leadership, as conveyed through the eye of a talented artist. The Speaker's portrait is a work of Jann Wyckoff Daughdrill, one of Florida's finest artistic talents. If the past is any indicator, her work should remain in the Chamber for the next 94 years, and will certainly be a permanent piece of Florida's historical heritage. In her professional career, she has produced over 500 portraits and focuses on typical Americana: the moments in everyday life that we too often overlook in the rush of modern living. A native of Meridian, Mississippi and a resident of Panama City, Ms. Daughdrill has a distinctively southern outlook in life and in painting style. Using light and colors, she has developed a signature technique, a style enjoyed by many, including Speaker and Mrs. Bense. As we will see in just a moment, Ms. Daughdrill has spent countless hours pouring the soul of an artist into the task of recording her subject with the stroke of a brush. Today, we honor the talent of an artist and the stature of a statesman who served as her subject. Sergeant Sumner, will you please unveil the portrait? [standing ovation]

Jann Daughdrill: It was a great honor to get to paint Speaker Bense's portrait. He's done a wonderful job, and I'm proud to call him friend and his wonderful family. [applause]

Rep. Gardiner: Speaker Bense, would you like to address the Chamber?

Speaker Bense: Very briefly, we've got bills to hear. [laughter] Listen, Jann, thank you for the great job. I'm a hard person to work on. My son, Jason, made a few comments which I can't pass on to you about it. [laughter] He's getting bigger than me, so I have to be careful how I fight back; I have to use, you know, strategy now when I get back at him. [laughter] Anyway, thank you all for being such great members of the Florida House, thanks for allowing us to indulge while we unveil the portrait, and I thank my family for all the sacrifices they've made over the years. My good friend, Gaston Cantens, is here. Gaston, where are you? He's somewhere in the Chamber—my good friend, Gaston Cantens, for coming here and being part of it. [applause] And, like everything else in life, really good things are hard to achieve, and there are reasons for that, because once you achieve those goals or are able to obtain the item you're looking for, there's a great sense of satisfaction, and I can tell you, just working with you folks, day-in and day-out, gives me a great sense of satisfaction. We've got eight days to go, and there will be some rough hours on the floor between now and next Friday, but, you know, I appreciate all the support you've given me over the last two years. And, believe me, I eat, breathe, and sleep the Florida House of Representatives, and I will until our task is done next week. So, thanks for that nice applause, that was really neat. I appreciate it. [standing ovation]

Rep. Gardiner: Don't go far, Speaker. Jason has asked to address the Chamber as well. No, I'm just kidding. No, I'm kidding. [laughter] It is a true honor to introduce the next Speaker of the House, Marco Rubio. [applause]

The Chair: Before Representative Rubio speaks, I'd like to recognize Representative Smith for comments concerning the portrait.

Speaker Bense: Jason? [laughter]

The Chair: Or Jason. [laughter]

Rep. Smith: Thank you, Madame Speaker, and I know we had spoken about saving the laudatory comments until next week after the Speaker does his goodbye, but, just on behalf of the Democratic Caucus, we want to thank Speaker Bense for being such a fair, honest, and just man. And I want to thank the artist of the portrait for doing a phenomenal job, because she made Speaker Bense actually look good in that picture. [laughter] But, on behalf, we talk about the Speaker as being the Speaker of the House, not just Speaker of the Republican Caucus, or in the glory days of the State, Speaker of the Democratic Caucus, but Speaker of the entire House, and I can truly say that Allan Bense, you've been a true Speaker of the House, and more than anything, you've been a good friend. Congratulations on such a special day and such a special picture, and I look forward to bringing my children and grandchildren in and pointing over in the corner and saying, I served with that guy, and he was a prince of a man. [standing ovation]

The Chair: Representative Rubio, you're recognized.

Rep. Rubio: Thank you. Mr. Speaker, you know it's a tradition of this house to award a gift to the Speaker on behalf of his service. And I can just tell you, this gift that we've gotten you, every member here has contributed toward it, and let me just give everyone a tip for the future: the more bills get on Special Orders, the easier it is to collect the money. [laughter] In the selecting of this gift, we kept four things in mind. The first is, and this is a little known tradition of the House, but you need to know this; it is a tradition of the House that whatever gift you give the Speaker has to be more expensive than the one before. [laughter] So that weighed heavily on our decision. Couple of other factors; by the same token, even though it had to be expensive, it couldn't be extravagant, because we know the Speaker's a very modest and humble man, so something that wouldn't embarrass him. The third factor is, it had to be something that worked well not just in the tropics of Florida, but also in the cold of Washington, D.C. [standing ovation] Because we don't know what your vacation plans are. [laughter] And the fourth, and most important, above all else, is that it's a gift that had to express to you the sincere gratitude and admiration as you've seen today. Quite frankly, the love the members of this house have for you, not just as our leader, but as our colleague and our friend. And so, with that, Representative Goodlette, would you hand me the box? I apologize for the box, it's the only thing we could find on such short notice. [laughter] It's like a baby box or something. This is for you.

[The Speaker opened the box, which contained a Florida License Plate that read "SPEAKER1" and a pair of fuzzy dice.]

Rep. Rubio: There's something else missing. [Rep. Rubio handed the Speaker a set of keys.] You'll need this, for that.

[The Speaker was presented with the keys to a Corvette, a photo of which was displayed on the screen at the front of the Chamber.] [standing ovation]

Speaker Bense: I can't believe it. The history behind that—I guess you all figured out the history—is I've always wanted a Corvette. All my life, I've wanted a Corvette, but I've just never gotten around to getting one. When I could finally afford one, I got into politics, and realized that that's not the best thing to be driving around. [laughter] So, every time I see a Corvette, I say, you know, one day I'm going to get a Corvette. So thank you all, that is absolutely wonderful. [standing ovation] Jason, give me back those keys, son. [laughter]

The Chair: Representative Smith, you're recognized.

Rep. Smith: Thank you. Mr. Speaker, I just want you to know, the Democratic caucus chipped in so that you can get the Navigation 2000 with Susan Bucher's voice in that nice Corvette. [laughter]

Speaker Bense: The car's going back. [laughter] Members, thank you so much. I really appreciate it. It's awfully, awfully nice.

THE SPEAKER IN THE CHAIR

Special Orders

The question recurred on the adoption of **Amendment 3 to Amendment 1** to **HB 7225**.

The amendment to the amendment failed of adoption. The vote was:

Session Vote Sequence: 916

Speaker Bense in the Chair.

Yeas—38

Allen	Fields	Joyner	Sands
Antone	Gannon	Justice	Seiler
Ausley	Gelber	Kendrick	Slosberg
Bendross-Mindingall	Gibson, A.	Machek	Smith
Brandenburg	Gottlieb	Meadows	Sobel
Brummer	Greenstein	Peterman	Stansel
Brutus	Hays	Porth	Taylor
Bucher	Henriquez	Richardson	Vana
Bullard	Holloway	Roberson	
Cusack	Jennings	Ryan	

Nays—73

Adams	Coley	Jordan	Quinones
Altman	Culp	Kottkamp	Reagan
Ambler	Davis, D.	Kravitz	Rice
Anderson	Davis, M.	Kyle	Rivera
Arza	Detert	Legg	Robaina
Attkisson	Domino	Littlefield	Ross
Barreiro	Evers	Llorente	Rubio
Baxley	Farkas	Mahon	Russell
Bean	Galvano	Mayfield	Sansom
Bense	Garcia	McInvale	Simmons
Benson	Gardiner	Mealor	Stargel
Berfield	Gibson, H.	Murzin	Traviesa
Bilirakis	Glorioso	Needelman	Troutman
Bogdanoff	Goodlette	Negron	Waters
Bowen	Grant	Patterson	Williams
Brown	Grimsley	Pickens	Zapata
Cannon	Harrell	Planas	
Carroll	Hasner	Poppell	
Clarke	Hukill	Proctor	

Votes after roll call:
Yeas—Lopez-Cantera
Nays—Homan

Representative Ross offered the following:

(Amendment Bar Code: 504105)

Amendment 4 to Amendment 1—Remove line 42 and insert:
up to $10 million. The rate to be charged for this coverage shall

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

Representative(s) Ross offered the following:

(Amendment Bar Code: 499281)

Amendment 5 to Amendment 1—Between line(s) 48 and 49, insert:

5. Notwithstanding any other provisions contained in this section, the board shall make available for the contract year beginning June 1, 2006, and the contract year beginning June 1, 2007, additional contracts to insurers, other than entities created pursuant to s. 627.351, which cede to the fund an amount of additional first-event liability up to $2.5 billion. This additional capacity shall be provided by the fund provided that:

a. The layer of excess reinsurance provides coverage below the attachment point of the fund;

b. At least 20 percent of the excess layer for each participating insurer utilizing this additional capacity is placed with independent reinsurers not related to the cedent;

c. The fund provides coverage at the same terms and conditions as the independent reinsurers, not related to the cedent; and

d. The fund receives 100 percent of the gross reinsurance premium for its participation without deduction for reinsurance brokerage.

The fund may provide additional coverage for a second event on the same terms and conditions as provided by the independent reinsurers not related to the cedent. This coverage shall be in addition to all other coverage which may be provided under this section. This subparagraph shall expire May 31, 2008.

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

Representative(s) Ross offered the following:

(Amendment Bar Code: 352227)

Amendment 6 to Amendment 1—Remove line(s) 150-155 and insert:

(e) For purposes of paragraph (c), if Citizens Property Insurance Corporation assumes or otherwise provides coverage for policies of insurers placed in liquidation under chapter 631 pursuant to s. 627.351(6)(m)5., Citizens Property Insurance Corporation shall notify the board of its insured values with respect to such policies within 60 days after such assumption or other coverage transaction and the fund

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 207315)

Amendment 7 to Amendment 1—Remove line(s) 588-589 and insert:

grant to owners of manufactured and mobile homes. Homeowners accepted for the program shall be

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

Representatives Grimsley, Berfield, Kendrick, Hays, Rivera, Kreegel, Joyner, Gannon, Jennings offered the following:

(Amendment Bar Code: 491575)

Amendment 8 to Amendment 1 (with title amendment)—Remove lines 713-739 and insert:

(3)(a)~~(4)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. ~~Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (6) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.~~

(b)1. There is created the Manufactured Housing and Mobile Home Mitigation and Enhancement Program. The program shall require the mitigation of damage to or enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation of damage or enhancement of homes shall include, but not be limited to, structural components; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall be a grant program that ensures entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this act.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium shall be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation shall reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of ss. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase of availability of insurance products to owners of manufactured homes or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this section shall be distributed directly to Tallahassee Community College for the uses set forth in this section.

(4)~~(5)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (5) ~~(6)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (7) ~~(8)~~.

(5)~~(6)~~ Except for the programs set forth in subsection (3), the Department of Community Affairs shall develop

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

Remove lines 4566-4585 and insert:

public education and consumer awareness requirements; amending s. 215.559, F.S.; deleting provisions relating to the development of a low-interest loan program for homeowners and mobile home owners to retrofit their homes by the Department of Community Affairs; creating the Manufactured Housing

and Mobile Home Mitigation and Enhancement Program for certain purposes; requiring Tallahassee Community College to develop the program in consultation with certain entities; specifying requirements of the program; specifying certain requirements of the program as to certain concerns of the Department of Highway Safety and Motor Vehicles relating to manufactured homes and mobile homes; specifying the program as a grant program for improvement of mobile homes and manufactured home parks; providing for distribution of the grants to Tallahassee Community College for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; specifying funding for tie-down enhancement systems; requiring Tallahassee Community College to provide a program report each year to the Governor and Legislature; providing report requirements; creating s. 252.63, F.S.;

Rep. Grimsley moved the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 365239)

Amendment 9 to Amendment 1 (with title amendment)—Between line(s) 915 and 916, insert:

Section 7. Paragraph (dd) is added to subsection (1) of section 626.9541, Florida Statutes, to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.--

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.--The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(dd) Selectively limiting insurance offerings.--Failing to offer in this state a kind or line of insurance which it offers in another jurisdiction. An insurer need not offer every kind or line of insurance, or any particular kind or line of insurance, in this state; however, if it offers a particular kind or line of insurance anywhere it does business, it must offer the same kind or line in this state. The commission shall adopt rules to implement and administer this paragraph.

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

Remove line(s) 4595 and insert:

protection trust fund; providing a definition; amending s. amending s. 626.9541, F.S.; providing that an insurer's failure to offer in this state any kind or line of insurance which it offers in another jurisdiction constitutes an unfair method of competition and unfair or deceptive act; providing penalties; providing for rules; amending s.

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

Point of Order

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

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 9 to Amendment 1 to HB 7225 stated that the amendment to the amendment substantially expanded the scope of the bill, and recommended that the point be well taken.

The Chair [Speaker Bense], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment to the amendment out of order.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 752889)

Amendment 10 to Amendment 1—Remove line 956 and insert:

shall submit a filing to the office at least 40 days prior to

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

Representative(s) Seiler offered the following:

(Amendment Bar Code: 358089)

Amendment 11 to Amendment 1—Remove lines 1000 and insert:

filing requests approval of a rate that is at least 5 percent less than the

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

Representative(s) Ross offered the following:

(Amendment Bar Code: 270487)

Amendment 12 to Amendment 1—Remove line(s) 1168 and insert:

the plan of operation approved by the office until October

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

Representative(s) Galvano, Harrell, and Bogdanoff offered the following:

(Amendment Bar Code: 111401)

Amendment 13 to Amendment 1 (with directory and title amendments)—Remove lines 1249-1274 and insert:

(C)~~(III)~~ A high-risk account for personal residential policies and commercial residential ~~and commercial nonresidential~~ property policies issued by the corporation or transferred to the corporation that provide coverage for the peril of wind on risks that are located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The high-risk account must also include quota share primary insurance under subparagraph (c)2. The area eligible for coverage under the high-risk account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property, the entire portion of any barrier island, and any coastal area where no barrier island exists and the coastal area was not eligible for the high-risk account as of January 1, 2006, and after such date any area up to and including 2,000 feet from the coast. The office may remove territory from the area eligible for wind-only and quota share coverage if, after a public hearing, the office finds that authorized insurers in the voluntary market are willing and able to write sufficient amounts of personal and commercial residential coverage for all perils in the territory, including coverage for the peril of wind, such that risks covered by wind-only policies in the removed territory could be issued a policy by the corporation in either the personal lines or commercial lines account without a significant increase in the corporation's probable maximum loss in such account. Removal of territory from the area eligible for wind-only or quota share coverage does not alter the assignment of wind coverage written in such areas to the high-risk account. Eligibility for the high-risk account for barrier islands and any area up to and including 2,000 feet from the coast provided for by this sub-sub-sub-subparagraph becomes effective upon the amendment to this sub-sub-sub-subparagraph becoming a law and expires on December 1, 2006.

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

Remove line 4623 and insert:

property; providing a definition; providing for additional areas to be included in the high-risk account; providing for eligibility for inclusion; providing an expiration date; providing for an additional

THE SPEAKER PRO TEMPORE IN THE CHAIR

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

Session Vote Sequence: 917

Representative Waters in the Chair.

Yeas—56

Allen	Dean	Holloway	Quinones
Ambler	Detert	Jennings	Rice
Antone	Evers	Johnson	Richardson
Ausley	Fields	Joyner	Robaina
Barreiro	Galvano	Justice	Roberson
Bendross-Mindingall	Gannon	Kendrick	Ryan
Berfield	Garcia	Kottkamp	Sands
Bilirakis	Gelber	Llorente	Seiler
Bogdanoff	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	Mahon	Smith
Brutus	Grant	Meadows	Sobel
Bucher	Greenstein	Peterman	Stansel
Bullard	Harrell	Planas	Taylor
Cusack	Henriquez	Porth	Vana

Nays—57

Adams	Cretul	Jordan	Reagan
Altman	Davis, D.	Kravitz	Rivera
Anderson	Davis, M.	Kreegel	Ross
Arza	Domino	Kyle	Rubio
Attkisson	Farkas	Legg	Russell
Baxley	Flores	Littlefield	Sansom
Bean	Gardiner	Lopez-Cantera	Simmons
Bense	Gibson, H.	Mayfield	Sorensen
Benson	Glorioso	Mealor	Stargel
Brown	Goldstein	Murzin	Traviesa
Brummer	Goodlette	Needelman	Waters
Cannon	Hasner	Negron	Williams
Carroll	Hays	Patterson	
Clarke	Homan	Pickens	
Coley	Hukill	Proctor	

Votes after roll call:
Yeas—Culp
Nays—McInvale, Zapata

Representative Needelman offered the following:

(Amendment Bar Code: 493137)

Amendment 14 to Amendment 1—Remove lines 1841-1851 and insert:
including insurers writing dwellings in a county valued at or above the mean value of homes in the county, the same voluntary writing credits that were available on January 1, 2006, to carriers writing wind coverage for dwellings in the areas eligible for coverage in the high-risk account.
d. With respect to personal lines residential risks, if the risk is a dwelling in a county with an insured value at or above the mean value of homes in the county, or if the risk is one that is excluded from the coverage to be provided by the condominium association under s. 718.111(11)(b) and that is insured in a county by the condominium unit owner for a combined dwelling and contents replacement cost at or above the mean value of combined dwelling and contents replacement costs for condominium units in the county, the risk is not eligible for any policy issued

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

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, further consideration of **HB 7225**, with pending amendment, was temporarily postponed.

HB 7227—A bill to be entitled An act relating to the Florida Hurricane Damage Prevention Endowment Trust Fund; creating s. 215.5585, F.S.; creating the Florida Hurricane Damage Prevention Endowment Trust Fund within the Department of Community Affairs; providing for administration and investment of the fund; providing for the use of moneys in the fund; providing for an initial appropriation to the fund; providing for additional funding; requiring balances in the fund to remain in the fund for certain purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

The Fiscal Council recommended the following:

HB 7227 CS—A bill to be entitled An act relating to the Florida Hurricane Damage Prevention Trust Fund; creating s. 215.5585, F.S.; creating the Florida Hurricane Damage Prevention Trust Fund within the Department of Financial Services; providing for administration and investment of the fund; providing for the use of moneys in the fund; requiring balances in the fund to remain in the fund for certain purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

On motion by Rep. Ross, consideration of **HB 7263** was temporarily postponed.

HB 517—A bill to be entitled An act relating to nonprofit organization self-insurance funds; creating s. 624.4624, F.S.; authorizing two or more nonprofit organizations to form a self-insurance fund for certain purposes; providing specific requirements; providing an effective date.

The Commerce Council recommended the following:

HB 517 CS—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4622, F.S.; authorizing local government self-insurance funds to insure or self-insure real or personal property against loss or damage; amending s. 624.4623, F.S.; prohibiting requiring participation of independent educational institution self-insurance funds in or entitlement to coverage under certain guaranty associations; creating s. 624.4624, F.S.; authorizing two or more corporations not for profit to form a self-insurance fund for certain purposes; providing specific requirements; providing a definition; providing limitations; providing for application of certain provisions to certain premiums, contributions, and assessments; providing for payment of insurance premium tax at a reduced rate by corporation not for profit self-insurance funds; subjecting a corporation not for profit self-insurance fund to certain group self-insurance fund provisions under certain circumstances; creating s. 627.443, F.S.; prohibiting rejecting certain workers' compensation insurance policies by certain persons on certain grounds; providing an effective date.

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

HM 541—A memorial to the Congress of the United States urging Congress to support a National Catastrophe Insurance Program.

The Commerce Council recommended the following:

HM 541 CS—A memorial to the Congress of the United States urging Congress to support a National Catastrophe Insurance Program.

—was read the second time by title.

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

Representative(s) Ross offered the following:

(Amendment Bar Code: 174457)

Amendment 1—Remove line 35 and insert:

tornadoes, typhoons, floods, wildfires, ice storms,

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

The question recurred on the adoption of **HM 541**, which now reads as follows:

HM 541—A memorial to the Congress of the United States urging Congress to support a National Catastrophe Insurance Program.

WHEREAS, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $35 billion in estimated gross probable insurance losses, and

WHEREAS, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

WHEREAS, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

WHEREAS, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

WHEREAS, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

WHEREAS, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes, NOW, THEREFORE,

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

That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

On motion by Rep. Ross, the memorial was adopted and, under Rule 11.7(h), immediately certified to the Senate, after engrossment.

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 7263 for consideration.

HB 7263—A bill to be entitled An act relating to motor vehicle insurance; amending s. 624.155, F.S.; providing notice requirements for causes of action against motor vehicle insurers; amending s. 627.736, F.S.; providing for specified damages and attorney's fees in cases involving certain unfair trade practices by insurers; requiring investigations by the Attorney General; providing for availability of additional personal injury protection benefits for specified emergency services and care; providing limitations on the increased benefit; specifying application of certain attorney fee provisions to certain disputes; prohibiting application of a contingency risk multiplier applicable to awards of attorney's fees in certain disputes; amending s. 627.7401, F.S.; specifying additional information requirements for notification of an insured's right to receive personal injury protection benefits under the Florida Motor Vehicle No-Fault Law relating to anti-fraud rewards; creating s. 627.7441, F.S.; requiring certain owners and registrants of motorcycles to maintain property damage and medical payments benefits coverage; authorizing alternative methods for providing the required security; authorizing insurers to offer various levels of deductibles for the medical payments coverage; requiring premium discounts at different deductible levels; making an owner or registrant personally responsible for damages for failure to maintain the required security; requiring the Financial Services Commission to adopt rules; amending s. 316.068, F.S.; specifying additional information to be included in a crash report; creating a rebuttable presumption relating to the existence of passengers in vehicles involved in a crash; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; requiring the Department of Highway Safety and Motor Vehicles to collect and deposit the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 817.234, F.S.; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending section 19, ch. 2003, Laws of Florida; extending the repeal of the Florida Motor Vehicle No-Fault Law; providing an effective date.

The Commerce Council recommended the following:

HB 7263 CS—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.646, F.S.; requiring motorcycle registrants to provide proof of security under specified circumstances; providing requirements for reinstatement of a motorcycle license and registration; providing for reinstatement fees; amending s. 320.02, F.S.; requiring proof of security for application for a motorcycle registration; correcting a cross-reference; creating s. 324.025, F.S.; requiring certain motorcycle owners and registrants to maintain specified security; requiring medical payments and property damage coverage; authorizing alternative types of security; authorizing deductibles and applicability of the deductibles; making an

owner or registrant personally responsible for failure to maintain the required security; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending s. 627.06501, F.S.; specifying minimum and maximum motor vehicle insurance premium discounts available under certain circumstances; requiring the Department of Highway Safety and Motor Vehicles to require certain motor vehicle insurance policyholders to pass a written test for certain purposes; amending s. 627.736, F.S.; revising provisions relating to insurer requests for patient diagnostic and treatment records and information in certain disputes; providing for specified damages and attorney's fees in cases involving certain unfair trade practices by insurers; requiring investigations by the Office of Insurance Regulation; providing for availability of additional personal injury protection benefits for specified emergency services and care; providing limitations on the increased benefit; specifying application of certain attorney fee provisions to certain disputes; prohibiting application of a contingency risk multiplier applicable to awards of attorney's fees in certain disputes; amending s. 627.7401, F.S.; specifying additional information requirements for notification of an insured's right to receive personal injury protection benefits under the Florida Motor Vehicle No-Fault Law relating to anti-fraud rewards; creating s. 627.7441, F.S.; requiring certain insurers to provide medical payments motorcycle insurance coverage; providing requirements and limitations; providing penalties; providing a definition; specifying covered persons; authorizing insurers to offer various levels of deductibles for the medical payments coverage; requiring the Florida Automobile Joint Underwriting Association to make coverage available to certain persons under certain circumstances; requiring the Financial Services Commission to adopt rules; amending s. 316.068, F.S.; specifying additional information to be included in a crash report; creating a rebuttable presumption relating to the existence of passengers in vehicles involved in a crash; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; requiring the Department of Highway Safety and Motor Vehicles to collect and deposit the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 817.234, F.S.; prohibiting telephone business solicitation of persons involved in a motor vehicle accident; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; providing criminal penalties; amending s. 19, ch. 2003-411, Laws of Florida; extending the repeal of the Florida Motor Vehicle No-Fault Law; providing an effective date.

—was read the second time by title.

Representative(s) Ross offered the following:

(Amendment Bar Code: 700727)

Amendment 1—Remove line 220 and insert:
(1)(a) Beginning January 1, 2007, every owner or registrant of a motorcycle as

Rep. Ross moved the adoption of the amendment.

On motion by Rep. Goodlette, further consideration of **HB 7263**, with pending amendment, was temporarily postponed and placed on Unfinished Business.

HB 561—A bill to be entitled An act relating to offenses involving insurance; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; amending s. 456.054, F.S.; revising the definition of the term "kickback" for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

The Commerce Council recommended the following:

HB 561 CS—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term "kickback" for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 624.4094, F.S.; applying bail bond insurer reporting requirements to foreign and alien insurers; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891,

F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; specifying as not discoverable or admissible in certain proceedings certain information relating to certain insurer reporting requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.06501, F.S.; specifying a minimum percentage reduction in certain insurance premium charges upon successful completion of certain driver improvement courses; requiring the Department of Highway Safety and Motor Vehicles to require certain persons to pass a specified written test given by a certain organization; amending s. 627.736, F.S.; specifying certain damages and awards of attorney's fees in certain cases involving specified insurer unfair trade practices; requiring the Attorney General to investigate and initiate certain actions; providing specific authorizations for the Attorney General; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was read the second time by title.

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

Representative Rivera offered the following:

(Amendment Bar Code: 372363)

Amendment 1 (with title amendment)—Remove lines 271-308 and insert:

======== T I T L E A M E N D M E N T ========
Remove lines 36-38 and insert:
persons; amending s. 626.112, F.S.; providing a criminal

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

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

Representative Rivera offered the following:

(Amendment Bar Code: 743423)

Amendment 2 (with title amendment)—Remove lines 379-390 and insert:
(8)(a) Anti-fraud plans or anti-fraud investigative unit descriptions required to be furnished to the division pursuant to this section are trade secrets as defined in s. 688.002, and a court or administrative hearing officer shall preserve the secrecy of such anti-fraud plans or anti-fraud investigative unit descriptions by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose the alleged trade secret without prior court approval.
(b) Findings, statements, discussions, reports, or documentation generated by the department or the office relating to anti-fraud plans or anti-fraud investigative unit descriptions, if determined to contain trade secrets as defined in s. 688.002, may be subject to the same protections from unauthorized disclosure as are provided for the anti-fraud plans or anti-fraud investigative unit descriptions in paragraph (a).

======== T I T L E A M E N D M E N T ========
Remove lines 48-50 and insert:
providing that anti-fraud plans and anti-fraud investigative unit descriptions are trade secrets; requiring certain hearing officers to preserve the secrecy of such trade secrets; providing that findings, statements, and documents relating to anti-fraud plans and anti-fraud investigative unit descriptions may be subject to similar unauthorized disclosure; creating s. 626.9893,

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

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

Representative(s) Rivera offered the following:

(Amendment Bar Code: 908435)

Amendment 3 (with directory and title amendments)—Remove line(s) 379-390.

==== D I R E C T O R Y A M E N D M E N T ====
Remove line(s) 356-358 and insert:
Statutes, is amended to read:

======== T I T L E A M E N D M E N T ========
Remove line(s) 48-50 and insert:
creating s. 626.9893

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

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

Representative(s) Rivera offered the following:

(Amendment Bar Code: 965651)

Amendment 4 (with directory and title amendments)—Remove line(s) 415-466 and insert:
Section 13. Subsection (4) of section 627.4133, Florida Statutes, is amended to read:
627.4133 Notice of cancellation, nonrenewal, or renewal premium.--
(4) Notwithstanding the provisions of s. 440.42(3), if cancellation of a policy providing coverage for workers' compensation and employer's liability insurance is requested by the insured, such cancellation shall be effective on the date the carrier sends the notice of cancellation to the insured. Any retroactive assumption of coverage and liabilities under a policy providing workers' compensation and employer's liability insurance may not exceed 21 days.

==== D I R E C T O R Y A M E N D M E N T ====
Remove line(s) 439-441 and insert:
Section 14. Subsection (11) is added to section 627.736, Florida Statutes, to read:

======== T I T L E A M E N D M E N T ========
Remove line(s) 54-66 and insert:

appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; requiring insurers to provide certain persons

Rep. Rivera moved the adoption of the amendment.

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

Representative Rivera offered the following:

(Amendment Bar Code: 387431)

Amendment 1 to Amendment 4 (with directory and title amendments)—

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

Remove line 21 and insert:
Section 14. Subsection (14) is added to section 627.736,

======== T I T L E A M E N D M E N T ========
Remove line(s) 29 and insert:
certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons

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

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

Representative(s) Ross offered the following:

(Amendment Bar Code: 202111)

Amendment 5 (with title amendment)—Between lines 517 and 518, and insert:
Section 16. Subsection (4) of section 627.912, Florida Statutes, is amended to read:
627.912 Professional liability claims and actions; reports by insurers and health care providers; annual report by office.--
(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any person or entity reporting hereunder or its agents or employees or the office or its employees for any action taken by them under this section. The office may ~~shall~~ impose a fine of up to $250 per day per case, but not to exceed a total of $10,000 per case, against an insurer, commercial self-insurance fund, medical malpractice self-insurance fund, or risk retention group that violates the requirements of this section, except that the office may impose a fine of $250 per day per case, not to exceed a total of $1,000 per case, against an insurer providing professional liability insurance to a member of The Florida Bar, which insurer violates the provisions of this section. If a health care practitioner or health care facility violates the requirements of this section, it shall be considered a violation of the chapter or act under which the practitioner or facility is licensed and shall be grounds for a fine or disciplinary action as such other violations of the chapter or act. The office may adjust a fine imposed under this subsection by considering the financial condition of the licensee, premium volume written, ratio of violations to compliancy, and other mitigating factors as determined by the office.

======== T I T L E A M E N D M E N T ========
Remove line 71 and insert:
Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending

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

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

HB 1435—A bill to be entitled An act relating to the Division of Emergency Management of the Department of Community Affairs; amending s. 20.18, F.S.; providing that the director of the Division of Emergency Management shall be appointed by and serve under the oversight of the Governor; providing that the division shall be a separate budget entity and not subject to the control, supervision, or direction of the Department of Community Affairs in matters involving personnel, purchasing, and the budget of the division; authorizing the division to enter into a service agreement with the department for professional, technological, and administrative support services; requiring the division to collaborate and coordinate with the department on all nonemergency response matters; providing an effective date.

The State Administration Council recommended the following:

HB 1435 CS—A bill to be entitled An act relating to the Division of Emergency Management of the Department of Community Affairs; amending s. 20.18, F.S.; providing that the director of the Division of Emergency Management be designated as agency head of the division; providing for appointment of the director by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

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

HB 7121—A bill to be entitled An act relating to disaster preparedness response and recovery; creating s. 252.63, F.S.; creating the Florida Disaster Supplier Program Council under the Department of Community Affairs; requiring the council to make recommendations for a voluntary local program to be established as the Florida Disaster Supplier Program; providing membership and organization of the council; providing duties and responsibilities of the council; authorizing the council to recommend the assessment of an annual program membership fee; providing for certification of program participants; providing requirements with respect to collection and use of program membership fees; requiring the council to submit a report; providing for termination of the council; providing intended purposes of the program; providing that participation in the program shall be at the option of each county; providing for administration of the program by participating counties; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to inspection of such equipment; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate power source; defining "substantially renovated"; providing inspection requirements; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate power source by a specified date; providing inspection and recordkeeping requirements; providing applicability; providing severability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing purpose of the program; providing requirements for participation in the program; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing requirements of businesses certified as State Emergency Response Team members; providing for a credit against motor fuel tax collections to any owner of a retail motor fuel outlet for the purchase and installation of equipment required to meet program certification requirements; providing a limitation; requiring the Department of Revenue to provide forms and procedures for the credit by rule; providing for preemption to the state of the regulation of and requirements for siting and placement of an alternate power source and any

related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets; providing for review of the program; providing a report; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; requiring any person, firm, or corporation that owns or operates specified multistory affordable residential dwellings to attempt to obtain grant funding to comply with the act; requiring an owner or operator of such a dwelling to develop an evacuation plan in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; providing an effective date.

The State Administration Council recommended the following:

HB 7121 CS—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining "substantially renovated"; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; providing requirements with respect to the provision of portable generators by corporations or other entities owning a specified number of motor fuel retail outlets within a single county; requiring certain corporations or other entities owning a specified number of motor fuel retail outlets within a single domestic security region to maintain a document of agreement with respect to the use of portable generators; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing for preemption to the state of specified powers, responsibilities, and functions at motor fuel terminal facilities, motor fuel wholesalers, motor fuel retail sales outlets; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of appropriated funds; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

—was read the second time by title.

Representative(s) Adams offered the following:

(Amendment Bar Code: 732823)

Amendment 1 (with title amendment)—Remove lines 226 through 257

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

Remove lines 33 through 40 and insert:

providing applicability;

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

Representative(s) Adams offered the following:

(Amendment Bar Code: 857937)

Amendment 2 (with title amendment)—Remove lines 344 through 356 and insert:

(5) Notwithstanding any other law or local ordinance, to ensure an appropriate emergency management response to major disasters in the state, the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state.

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

Remove lines 54 through 57 and insert:

operation under the program; providing that the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing

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

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

Representative(s) Adams offered the following:

(Amendment Bar Code: 110213)

Amendment 3 (with title amendment)—Remove line 610 and insert:

Hurricanes model. Procurement of technologies to perform the updates and computer modeling must comply with the provisions of s. 287.057, Florida Statutes, requiring competitive bids. No more than 5 percent of the funds provided

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

Remove line 99 and insert:

appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the

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

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

HB 7139—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with disabilities or special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate community education and outreach related to special needs shelters with specified agencies and entities; providing that special needs shelters must allow persons with special needs to bring service animals into special needs shelters; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that specified confidential and exempt information relating to registration of persons with special needs be provided to the Department of Health and local law enforcement agencies; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising those facilities which are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to inspect a designated facility prior to activation to determine its readiness; amending s. 381.0303, F.S.; providing for the operation, maintenance, and closure of special needs shelters; providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring local health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing notification requirements; requiring local emergency management agencies to be responsible for the infrastructure and closure of special needs shelters; requiring the emergency management agency and the local health department to coordinate efforts to ensure appropriate designation, operation, and infrastructure in special needs shelters; providing that a county health department is not prohibited from entering into an alternative agreement with a local emergency management agency to assume the lead responsibility for special needs shelter supplies and equipment; providing that state employees with a preestablished role in disaster response are subject to serve in times of disaster in specified capacities; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions which prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; providing requirements with respect to emergency management plans submitted to a county health department by a home health agency, nurse registry, hospice, or home medical equipment provider; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing such requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; providing actions that constitute abandonment of a patient; providing sanctions for abandonment; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice, and providing such requirements with respect to a home medical equipment provider; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency, nurse registry, or hospice that operates in more than one county, and providing such requirements with respect to a home medical equipment provider that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of pt. X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such

entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; providing an effective date.

The Health & Families Council recommended the following:

HB 7139 CS—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; providing that a person with special needs shall be allowed to bring his or her service animal into a special needs shelter; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that special needs shelter roster information shall be provided to local law enforcement agencies upon request; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; providing for the inclusion of the requirement for similar strategies within local comprehensive emergency management plans; requiring the Department of Agriculture and Consumer Services to provide specified assistance to the division; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home and assisted living facility in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising those facilities which are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to coordinate with public facilities to determine readiness prior to activation; amending s. 381.0303, F.S.; providing for the operation and closure of special needs shelters; providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring county health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; requiring the local health department and emergency management agency to coordinate efforts to ensure appropriate designation, operation, and closure of special needs shelters; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions which prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing such requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency or hospice that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of pt. X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; requiring certain health insurance entities to waive time restrictions on refilling prescriptions for medication during specified emergency conditions; providing legislative findings with respect to the equipping of all designated public special needs hurricane evacuation shelters with permanent emergency power generating capacity by a specified date; requiring the Department of Community Affairs to work with local communities to ensure a sufficient number of public special needs shelters designated to meet anticipated demand; specifying the percentage of local match for such projects; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing legislative findings with respect to retrofitting public hurricane evacuation shelters; providing criteria for the retrofitting of a public hurricane evacuation shelter; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing an appropriation to implement the provisions of emergency management plan reviews for home health agencies and nurse registry, hospice, and home medical equipment providers; providing an effective date.

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

HB 645—A bill to be entitled An act relating to nursing home facilities; creating s. 400.0627, F.S.; providing legislative intent; requiring the Agency for Health Care Administration to reimburse nursing home facilities for the cost of building or modifying their emergency electrical power systems to fully operate during and after an emergency; providing eligibility criteria for reimbursement; providing an appropriation; providing an effective date.

The Health & Families Council recommended the following:

HB 645 CS—A bill to be entitled An act relating to nursing home facilities; creating s. 400.0627, F.S.; providing legislative intent; requiring the Agency for Health Care Administration to implement a pilot program to increase the emergency electrical power capacity of nursing home facilities; providing criteria for participation in the program; providing conditions for reimbursement of participating facilities; permitting inspections of certain facilities by the agency; requiring facilities to comply with current codes and standards when modifying emergency electrical power systems; authorizing the agency to adopt rules; requiring the agency to prepare a reimbursement plan; requiring the plan to be presented to the Legislature; providing an effective date.

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

HB 661—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing an appropriation; providing an effective date.

The Transportation & Economic Development Appropriations Committee recommended the following:

HB 661 CS—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

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

HB 911—A bill to be entitled An act relating to the Department of Management Services; requiring the department to maintain a list of unoccupied buildings that are available to be used as emergency shelters; providing an effective date.

The Domestic Security Committee recommended the following:

HB 911 CS—A bill to be entitled An act relating to the use of state facilities as emergency shelters; amending s. 252.385, F.S.; providing for use of certain state facilities as emergency shelters; requiring the Department of Management Services to list state-owned facilities that are suitable for use as emergency shelters; providing requirements with respect to such listing; defining terms; providing an effective date.

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

HB 1359—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health to be contingent upon the receipt of certain permits issued by the Department of Environmental Protection; creating s. 689.264, F.S.; requiring disclosure of property location within a hurricane evacuation zone to prospective purchaser; providing an effective date.

The State Resources Council recommended the following:

HB 1359 CS—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; authorizing the installation of certain structures as the core of a restored dune feature under specified conditions; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner; defining the term "coastal high-hazard area"; providing that the application of development policies shall be at the discretion of local government; authorizing local governments to amend comprehensive plans to increase residential densities for certain properties; providing standards for certain comprehensive plan compliance; requiring local governments to adopt a certain level of service for out-of-county hurricane evacuation under certain circumstances; providing a deadline for local governments to amend coastal management elements and future land use maps; amending 163.336, F.S., relating to the coastal resort area redevelopment pilot project; revising the requirements for placement of certain coastal redevelopment materials; authorizing the Department of Environmental Protection to consider certain information during certain permit review; deferring the expiration date of the pilot project; requiring the department and local governments to provide a specified analysis of certain projects and to provide a report to the Legislature by a certain date; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health to be contingent upon the receipt of certain permits issued by the Department of Environmental Protection; providing an effective date.

—was read the second time by title.

Representative Benson offered the following:

(Amendment Bar Code: 915075)

Amendment 1 (with title amendment)—Remove lines 141 through 155 and insert:

3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rules 9J-5.012(3)(b)(6) and 9J-5.012(3)(b)(7), Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

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

Remove line 26 and insert:

certain circumstances; requiring local governments and developers to enter into certain agreements; providing a deadline for local

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

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

HB 7109—A bill to be entitled An act relating to homestead property assessments; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for assessment of changed or improved homestead property; amending s. 196.031,F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; providing for retroactive application; providing an effective date.

The Fiscal Council recommended the following:

HB 7109 CS—A bill to be entitled An act relating to homestead property assessments; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031,F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; providing for retroactive application to certain property; providing an effective date.

—was read the second time by title.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 489289)

Amendment 1 (with title amendment)—Remove lines 103-105 and insert:

Section 3. (1) The Department of Revenue shall conduct a study of the state's property tax structure to analyze the impact of the current homestead exemptions and homestead assessment limitations on different types of property.

(a) The study shall include:

1. An analysis of the effects of Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on the distribution of property taxes among and between homestead properties as well as between homesteads and other types of property;

2. An analysis of the effect of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on affordable housing, as evidenced by the differential tax burden on first-time homestead property owners and long-term homestead property owners and the amendment's effect on property taxes paid by nonhomestead residential property owners.

3. The identification and analysis of the impact of the differential under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on each county;

4. An analysis of the effects of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on the distribution of the school property taxes, including the required local effort levy for the Florida Education Finance Program, and other school levies;

5. An analysis of the fiscal impacts of allowing the assessments under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution to be transferred to newly acquired homes, the resulting changes in the relative taxes levied on all other classes of property, including other homestead properties, nonhomestead properties and properties purchased by first-time homestead owners, and in the distribution of the required local effort for school funding; and

6. An analysis of the millage rates adopted by local governments compared to the rolled back rate as advertised in the Truth In Millage (TRIM) Notices required under s. 200.069, Florida Statutes.

(b) The Department of Revenue shall prepare a draft of the study by November 15, 2006, and conclude the study by January 2, 2007.

(2) The Office of Economic and Demographic Research shall prepare a report summarizing the study conducted by the Department of Revenue. The report must also contain findings and policy options that may be available to the state. In preparing the report, the Office of Economic and Demographic Research may consider other available information.

(a) In addition to findings and policy options, the report must include:

1. An evaluation of the assessment differentials under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on homeowners' willingness to purchase a new homestead.

2. An evaluation of the effects of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on local government budget decisions, including whether the Truth In Millage (TRIM) notification process under s. 200.069, Florida Statutes, adequately informs taxpayers of local governments' tax and budget decisions.

3. An evaluation of the effectiveness of the notice of proposed property taxes and non-ad valorem assessments created under s. 200.069, Florida Statutes. If the current notice is deemed ineffective, the evaluation should propose alternative methods of conveying the information contained in the notice.

(b) The findings and policy options must apply and consider the following principles of taxation described in the 2002 Florida State Tax Reform Task Force Final Report:

1. Equity.--The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

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

3. Pro-competitiveness.--The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in physical plants, equipment, people, and technology in this state.

4. Neutrality.--The Florida tax system should affect competitors uniformly and not become a tool for social engineering. The system should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

5. Stability.--The Florida tax system should produce, in a stable and reliable manner, revenues that are sufficient to fund appropriate governmental functions and expenditures.

6. Integration.--The Florida tax system should balance the need for integration of federal, state, and local taxation.

(c) The Office of Economic and Demographic Research shall submit a progress report to the President of the Senate and the Speaker of the House of Representatives by February 15, 2007. The progress report may include preliminary findings and any policy options that may be considered during the 2007 regular legislative session.

(d) The final report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Taxation and Budget Reform Commission no later than September 1, 2007.

(e) The Office of Economic and Demographic Research may contract with state universities or a nationally recognized property appraisal education and certification organization for the purpose of developing findings and policy options to be included in the report.

Section 4. Section 12 of chapter 2005-187, Laws of Florida, is repealed.

Section 5. The sum of $300,000 in nonrecurring general revenue is hereby appropriated to the Department of Revenue for the purpose of conducting the study required by this act.

Section 6. The sum of $500,000 in nonrecurring general revenue is hereby appropriated to the Office of Economic and Demographic Research for the purpose of preparing the report required by this act.

Section 7. The unexpended balance of funds appropriated in section 13 of chapter 2005-187, Laws of Florida, shall revert immediately to the General Revenue Fund.

Section 8. Sections 1 and 2 of this act shall apply retroactively to homestead property replaced on or after January 1, 2006.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

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

Remove line(s) 6-21 and insert:

An act relating to taxation; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031, F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; requiring the Department of Revenue to study the state's property tax structure; providing the contents of the study; requiring the Office of Economic and Demographic Research to prepare a report; requiring that the report recommend changes to achieve specified principles of taxation; providing deadlines; requiring a report to the Governor and the Legislature; repealing s. 12, ch. 2005-187, Laws of Florida, relating to dissolving the Communications Services Tax Task Force; providing appropriations; providing for reversion of unused funds to the General Revenue Fund; providing for retroactive application; providing effective dates.

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

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

HJR 7037—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to state tax or fee limitations, to specify application to imposition of new state taxes or fees, increases in existing state taxes or fees, and imposition of significant financial impact on state government.

The Finance & Tax Committee recommended the following:

HJR 7037 CS—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to state tax or fee limitations, to specify application to imposition of new state taxes or fees or increases in existing state taxes or fees that would produce revenues to state government and to include a limitation on any amendment or revision to the State Constitution that would result in significant additional spending by state government.

—was read the second time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 869355)

Amendment 1 (with ballot statement and title amendments)—Remove line 49, and insert:

increases or repeals an existing state tax or fee shall become effective

== 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 line(s) 82-85 and insert:

TWO-THIRDS VOTE INCREASING OR REPEALING STATE TAX OR FEE OR RESULTING IN SIGNIFICANT ADDITIONAL SPENDING.--Under this measure proposing to amend the State Constitution, a proposed amendment or revision to the State Constitution that increases or repeals

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

Remove line 9 and insert:

imposition of new state taxes or fees or increases in or repeals of

Rep. Ryan 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 391—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; requiring a holder of a recorded mortgage on a condominium unit that requires the consent or joinder of a mortgagee to an amendment to provide certain information to a condominium association; providing definitions; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; requiring the association to conduct a diligent search to identify mortgagees; requiring the association's representative to execute an affidavit confirming that a diligent search was conducted; prohibiting the declaration of condominium, articles of incorporation, or bylaws from requiring the consent or joinder of more than a specified percent of the eligible mortgagees in connection with proposed amendments under certain conditions; providing criteria for enforcement; requiring mortgagees seeking to disapprove a proposed amendment to provide certain information to the association; providing for the recovery of certain costs and attorney's fees; amending s. 720.302, F.S.; revising governing provisions relating to corporations not for profit that operate residential homeowners' associations; amending s. 720.303, F.S.; providing that special assessments may not be levied at a board meeting except under certain circumstances; revising provisions relating to the closed-circuit cable broadcast notice requirement; authorizing the association to charge a reasonable fee for providing good faith responses to certain requests for information by or on behalf of a prospective purchaser or lienholder; providing conditions for exemption from liability for providing such information; revising when the association must have its financial report completed and provided to members; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; revising provisions relating to items that members and parcel owners may address at membership meetings; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; amending s. 720.405, F.S.; revising provisions relating to the proposed revived declaration and other governing documents for the community; providing effective dates.

The Justice Council recommended the following:

HB 391 CS—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local ordinances that limit the access of certain persons to beaches that adjoin condominiums; amending s. 718.110, F.S.; revising provisions relating to the

amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was read the second time by title.

Representative Domino offered the following:

(Amendment Bar Code: 868519)

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

Section 1. Section 712.11, Florida Statutes, is created to read:

712.11 Covenant revitalization.--A homeowners' association not otherwise subject to chapter 720 may use the procedures set forth in ss. 720.403-720.407 to revive covenants that have lapsed under the terms of this chapter.

Section 2. Subsection (5) is added to section 718.106, Florida Statutes, to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.--

(5) A local government may not prohibit condominium unit owners or an association from permitting guests, licensees, or invitees access to a public beach adjacent to or adjoining the condominium property.

Section 3. Effective October 1, 2006, subsection (11) of section 718.110, Florida Statutes, is amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.--

(11) The Legislature finds that the procurement of mortgagee consent to amendments that do not affect the rights or interests of mortgagees is an unreasonable and substantial logistical and financial burden on the unit owners and that there is a compelling state interest in enabling the members of a condominium association to approve amendments to the condominium documents through legal means. Accordingly, and notwithstanding any provision to the contrary contained in this section:

(a) As to any mortgage recorded on or after October 1, 2006, any provision in the declaration, articles of incorporation, or bylaws that requires ~~recorded after April 1, 1992, may not require~~ the consent or joinder of some or all mortgagees of units or any other portion of the condominium property to or in amendments to the declaration, articles of incorporation, or bylaws or for any other matter shall be enforceable only as to the following matters: ~~unless the requirement is limited to amendments materially affecting the rights or interests of the mortgagees, or as otherwise required by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, and unless the requirement provides that such consent may not be unreasonably withheld. It shall be presumed that, except as to~~

1. Those matters described in subsections (4) and (8).~~,~~

2. Amendments to the declaration, articles of incorporation, or bylaws that adversely affect the priority of the mortgagee's lien or the mortgagee's rights to foreclose its lien or that otherwise materially affect the rights and interests of the mortgagees.

(b) As to mortgages recorded before October 1, 2006, any existing provisions in the declaration, articles of incorporation, or bylaws requiring mortgagee consent shall be enforceable.

(c) In securing consent or joinder, the association shall be entitled to rely upon the public records to identify the holders of outstanding mortgages. The association may use the address provided in the original recorded mortgage document, unless there is a different address for the holder of the mortgage in a recorded assignment or modification of the mortgage, which recorded assignment or modification must reference the official records book and page on which the original mortgage was recorded. Once the association has identified the recorded mortgages of record, the association shall, in writing, request of each unit owner whose unit is encumbered by a mortgage of record any information the owner has in his or her possession regarding the name and address of the person to whom mortgage payments are currently being made. Notice shall be sent to such person if the address provided in the original recorded mortgage document is different from the name and address of the mortgagee or assignee of the mortgage as shown by the public record. The association shall be deemed to have complied with this requirement by making the written request of the unit owners required under this paragraph.

Any notices required to be sent to the mortgagees under this paragraph shall be sent to all available addresses provided to the association.

(d) Any notice to the mortgagees required under paragraph (c) may be sent by a method that establishes proof of delivery, and any mortgagee who fails to respond within 60 days after the date of mailing shall be deemed to have consented to the amendment.

(e) For those amendments requiring mortgagee consent on or after October 1, 2006, ~~do not materially affect the rights or interests of mortgagees.~~ in the event mortgagee consent is provided other than by properly recorded joinder, such consent shall be evidenced by affidavit of the association recorded in the public records of the county where the declaration is recorded. Any amendment adopted without the required consent of a mortgagee shall be voidable only by a mortgagee who was entitled to notice and an opportunity to consent. An action to void an amendment shall be subject to the statute of limitations beginning 5 years from the date of discovery as to the amendments described in subparagraphs (a)1. and 2. and 5 years from the date of recordation of the certificate of amendment for all other amendments. This provision shall apply to all mortgages, regardless of the date of recordation of the mortgage.

Section 4. Paragraph (l) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.--

(2) REQUIRED PROVISIONS.--The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(l) Certificate of compliance.--There shall be a provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code. Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium with a fire sprinkler system or other engineered lifesafety system in a building that has been certified for occupancy by the applicable governmental entity, if the unit owners have voted to forego such retrofitting and engineered lifesafety system by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting with a fire sprinkler system of common areas in a high-rise building. For purposes of this subsection, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable story. For purposes of this subsection, the term "common areas" means any enclosed hallway, corridor, lobby, stairwell, or entryway. In no event shall the local authority having jurisdiction require completion of retrofitting of common areas with a sprinkler system before the end of 2025 ~~2014~~.

1. A vote to forego retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail, hand deliver, or electronically transmit to each unit owner written notice at least 14 days prior to such membership meeting in which the vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote shall be mailed, hand delivered, or electronically transmitted to all unit owners. Evidence of compliance with this 30-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease.

2. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.

Section 5. Section 718.114, Florida Statutes, is amended to read:

718.114 Association powers.--An association has the power to enter into agreements, to acquire leaseholds, memberships, and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas, and other recreational facilities. It has this power whether or not the lands or facilities are contiguous to the lands of the condominium, if they are intended to provide enjoyment, recreation, or other use or benefit to the unit owners. All of these leaseholds, memberships, and other possessory or use interests existing or created at the time of recording the declaration must be stated and fully described in the declaration. Subsequent to the recording of the declaration, agreements acquiring these leaseholds, memberships, or other possessory or use interests not entered into within 12 months following the recording of the declaration shall be considered a material alteration or substantial addition to the real property that is association property, and the association may not acquire or enter into agreements acquiring these leaseholds, memberships, or other possessory or use interests except as authorized by the declaration as provided in s. 718.113. The declaration may provide that the rental, membership fees, operations, replacements, and other expenses are common expenses and may impose covenants and restrictions concerning their use and may contain other provisions not inconsistent with this chapter. A condominium association may conduct bingo games as provided in s. 849.0931.

Section 6. Subsections (1) and (2) of section 718.404, Florida Statutes, are amended to read:

718.404 Mixed-use condominiums.--When a condominium consists of both residential and commercial units, the following provisions shall apply:

(1) The condominium documents shall not provide that the owner of any commercial unit shall have the authority to veto amendments to the declaration, articles of incorporation, bylaws, or rules or regulations of the association. This subsection shall apply retroactively as a remedial measure.

(2) Subject to s. 718.301, where the number of residential units in the condominium equals or exceeds 50 percent of the total units operated by the association, owners of the residential units shall be entitled to vote for a majority of the seats on the board of administration. This subsection shall apply retroactively as a remedial measure.

Section 7. Subsections (18) through (27) of section 719.103, Florida Statutes, are renumbered as subsections (19) through (28), respectively, and a new subsection (18) is added to that section to read:

719.103 Definitions.--As used in this chapter:

(18) "Equity facilities club" means a club comprised of recreational facilities in which proprietary membership interests are sold to individuals, which membership interests entitle the individuals to use certain physical facilities owned by the equity club. Such physical facilities do not include a residential unit or accommodation. For purposes of this definition, the term "accommodation" shall include, but is not limited to, any apartment, residential cooperative unit, residential condominium unit, cabin, lodge, hotel or motel room, or any other accommodation designed for overnight occupancy for one or more individuals.

Section 8. Section 719.507, Florida Statutes, is amended to read:

719.507 Zoning and building laws, ordinances, and regulations.--All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the cooperative or equity facilities club form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the cooperative or equity facilities club form of ownership. This section does not apply if the owner in fee of any land enters into and records a covenant that existing improvements or improvements to be constructed shall not be converted to the cooperative form of residential ownership prior to 5 years after the later of the date of the covenant or completion date of the improvements. Such covenant shall be entered into with the governing body of the municipality in which the land is located or, if the land is not located in a

municipality, with the governing body of the county in which the land is located.

Section 9. Subsections (4) and (5) of section 720.302, Florida Statutes, are amended to read:

720.302 Purposes, scope, and application.--

(4) This chapter does not apply to any association that is subject to regulation under chapter 718, chapter 719, or chapter 721~~;~~ or to any nonmandatory association formed under chapter 723, except to the extent that a provision of chapter 718, chapter 719, or chapter 721 is expressly incorporated into this chapter for the purpose of regulating homeowners' associations.

(5) Unless expressly stated to the contrary, corporations ~~not for profit~~ that operate residential homeowners' associations in this state shall be governed by and subject to chapter 607, if the association was incorporated under that chapter, or to chapter 617, if the association was incorporated under that chapter, and this chapter. This subsection is intended to clarify existing law.

Section 10. Paragraph (a) of subsection (2), subsection (6), and subsection (7) of section 720.303, Florida Statutes, as amended by section 18 of chapter 2004-345 and section 135 of chapter 2005-2, Laws of Florida, are amended, and paragraph (d) is added to subsection (5) of that section, to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.--

(2) BOARD MEETINGS.--

(a) A meeting of the board of directors of an association occurs whenever a quorum of the board gathers to conduct association business. All meetings of the board must be open to all members except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. The provisions of this subsection shall also apply to the meetings of any committee or other similar body when a final decision will be made regarding the expenditure of association funds and to meetings of any body vested with the power to approve or disapprove architectural decisions with respect to a specific parcel of residential property owned by a member of the community.

(5) INSPECTION AND COPYING OF RECORDS.--The official records shall be maintained within the state and must be open to inspection and available for photocopying by members or their authorized agents at reasonable times and places within 10 business days after receipt of a written request for access. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages.

(d) The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed $150 plus the reasonable cost of photocopying and any attorney's fees incurred by the association in connection with the response.

(6) BUDGETS.--

(a) The association shall prepare an annual budget that sets out the annual operating expenses. The budget must reflect the estimated revenues and expenses for that year and the estimated surplus or deficit as of the end of the current year. The budget must set out separately all fees or charges paid for by the association for recreational amenities, whether owned by the association, the developer, or another person. The association shall provide each member with a copy of the annual budget or a written notice that a copy of the budget is available upon request at no charge to the member. The copy must be provided to the member within the time limits set forth in subsection (5).

(b) In addition to annual operating expenses, the budget may include reserve accounts for capital expenditures and deferred maintenance for which the association is responsible to the extent that the governing documents do not limit increases in assessments, including reserves. If the budget of the association includes reserve accounts, such reserves shall be determined, maintained, and waived in the manner provided in this subsection. Once an association provides for reserve accounts in the budget, the association shall thereafter determine, maintain, and waive reserves in compliance with the provisions of this subsection.

(c) If the budget of the association does not provide for reserve accounts governed by this subsection and the association is responsible for the repair and maintenance of capital improvements that may result in a special assessment if reserves are not provided, each financial report for the preceding fiscal year required by subsection (7) shall contain the following statement in conspicuous type: THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS. OWNERS MAY ELECT TO PROVIDE FOR RESERVE ACCOUNTS PURSUANT TO THE PROVISIONS OF SECTION 720.303(6), FLORIDA STATUTES, UPON THE APPROVAL OF NOT LESS THAN A MAJORITY OF THE TOTAL VOTING INTERESTS OF THE ASSOCIATION.

(d) An association shall be deemed to have provided for reserve accounts when reserve accounts have been initially established by the developer or when the membership of the association affirmatively elects to provide for reserves. If reserve accounts are not initially provided for by the developer, the membership of the association may elect to do so upon the affirmative approval of not less than a majority of the total voting interests of the association. Such approval may be attained by vote of the members at a duly called meeting of the membership or upon a written consent executed by not less than a majority of the total voting interests in the community. The approval action of the membership shall state that reserve accounts shall be provided for in the budget and designate the components for which the reserve accounts are to be established. Upon approval by the membership, the board of directors shall provide for the required reserve accounts for inclusion in the budget in the next fiscal year following the approval and in each year thereafter. Once established as provided in this subsection, the reserve accounts shall be funded or maintained or shall have their funding waived in the manner provided in paragraph (f).

(e) The amount to be reserved in any account established shall be computed by means of a formula that is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates of cost or useful life of a reserve item.

(f) Once a reserve account or reserve accounts are established, the membership of the association, upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less reserves than required by this section. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not present, the reserves as included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves. Any vote taken pursuant to this subsection to waive or reduce reserves shall be applicable only to one budget year.

(g) Funding formulas for reserves authorized by this section shall be based on either a separate analysis of each of the required assets or a pooled analysis of two or more of the required assets.

1. If the association maintains separate reserve accounts for each of the required assets, the amount of the contribution to each reserve account shall be the sum of the following two calculations:

a. The total amount necessary, if any, to bring a negative component balance to zero.

b. The total estimated deferred maintenance expense or estimated replacement cost of the reserve component less the estimated balance of the reserve component as of the beginning of the period for which the budget will be in effect. The remainder, if greater than zero, shall be divided by the estimated remaining useful life of the component.

The formula may be adjusted each year for changes in estimates and deferred maintenance performed during the year and may include factors such as inflation and earnings on invested funds.

2. If the association maintains a pooled account of two or more of the required reserve assets, the amount of the contribution to the pooled reserve account as disclosed on the proposed budget shall not be less than that required to ensure that the balance on hand at the beginning of the period for which the budget will go into effect plus the projected annual cash inflows over the remaining estimated useful life of all of the assets that make up the reserve pool are equal to or greater than the projected annual cash outflows over the remaining estimated useful lives of all of the assets that make up the reserve pool, based on the current reserve analysis. The projected annual cash inflows may include estimated earnings from investment of principal. The reserve funding formula shall not include any type of balloon payments.

(h) Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a meeting at which a quorum is present. Prior to turnover of control of an association by a developer to parcel owners, the developer-controlled association shall not vote to use reserves for purposes other than those for which they were intended without the approval of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association.

(7) FINANCIAL REPORTING.--Within 90 days after the end of the fiscal year, or annually on the date provided in the bylaws, the association shall prepare and complete, or contract with a third party for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall ~~prepare an annual financial report within 60 days after the close of the fiscal year. The association shall~~, within the time limits set forth in subsection (5), provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles as adopted by the Board of Accountancy. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $100,000 or more, but less than $200,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $200,000, but less than $400,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $400,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $100,000 shall prepare a report of cash receipts and expenditures.

2. An association in a community of fewer than 50 parcels, regardless of the association's annual revenues, may prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a) unless the governing documents provide otherwise.

3. A report of cash receipts and disbursement must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional, and management fees and expenses; taxes; costs for recreation facilities; expenses for refuse collection and utility services; expenses for lawn care; costs for building maintenance and repair; insurance costs; administration and salary expenses; and reserves if maintained by the association.

(c) If 20 percent of the parcel owners petition the board for a level of financial reporting higher than that required by this section, the association shall duly notice and hold a meeting of members within 30 days of receipt of the petition for the purpose of voting on raising the level of reporting for that fiscal year. Upon approval of a majority of the total voting interests of the parcel owners, the association shall prepare or cause to be prepared, shall amend the budget or adopt a special assessment to pay for the financial report regardless of any provision to the contrary in the governing documents, and shall provide within 90 days of the meeting or the end of the fiscal year, whichever occurs later:

1. Compiled, reviewed, or audited financial statements, if the association is otherwise required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is otherwise required to prepare compiled financial statements; or

3. Audited financial statements if the association is otherwise required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Section 11. Subsection (2) of section 720.303, Florida Statutes, as amended by section 2 of chapter 2004-345 and section 15 of chapter 2004-353, Laws of Florida, is repealed.

Section 12. Section 720.3035, Florida Statutes, is created to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.--

(1) The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall only be permitted to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

(2) If the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants provides options for the use of material, the size of the structure or improvement, the design of the structure or improvement, or the location of the structure or improvement on the parcel, neither the association nor any architectural, construction improvement, or other such similar committee of the association shall restrict the right of a parcel owner to select from the options provided in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

(3) Unless otherwise specifically stated in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, each parcel shall be deemed to have only one front for purposes of determining the required front setback even if the parcel is bounded by a roadway or other easement on more than one side. When the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants do not provide for specific setback limitations, the applicable county or municipal setback limitations shall apply, and neither the association nor any architectural, construction improvement, or other such similar committee of the association shall enforce or attempt to enforce any setback limitation that is inconsistent with the applicable county or municipal standard or standards.

(4) Each parcel owner shall be entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel and such rights and privileges shall not be unreasonably infringed upon or impaired by the association or any architectural, construction improvement, or other such similar committee of the association. If the association or any architectural, construction improvement, or other such similar committee of the association should unreasonably, knowingly, and willfully infringe upon or impair the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, the adversely affected parcel

owner shall be entitled to recover damages caused by such infringement or impairment, including any costs and reasonable attorney's fees incurred in preserving or restoring the rights and privileges of the parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

(5) Neither the association nor any architectural, construction improvement, or other such similar committee of the association shall enforce any policy or restriction that is inconsistent with the rights and privileges of a parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, whether uniformly applied or not. Neither the association nor any architectural, construction improvement, or other such similar committee of the association may rely upon a policy or restriction that is inconsistent with the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, whether uniformly applied or not, in defense of any action taken in the name of or on behalf of the association against a parcel owner.

Section 13. Subsection (1) of section 720.305, Florida Statutes, is amended to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights; failure to fill sufficient number of vacancies on board of directors to constitute a quorum; appointment of receiver upon petition of any member.--

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:

(a) The association;

(b) A member;

(c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and

(d) Any tenants, guests, or invitees occupying a parcel or using the common areas.

The prevailing party in any such litigation is entitled to recover reasonable attorney's fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney's fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

Section 14. Paragraph (c) of subsection (1) of section 720.306, Florida Statutes, is amended to read:

720.306 Meetings of members; voting and election procedures; amendments.--

(1) QUORUM; AMENDMENTS.--

(c) Unless otherwise provided in the governing documents as originally recorded or permitted by this chapter or chapter 617, an amendment may not materially and adversely alter the proportionate voting interest appurtenant to a parcel or increase the proportion or percentage by which a parcel shares in the common expenses of the association unless the record parcel owner and all record owners of liens on the parcels join in the execution of the amendment. For purposes of this section, a change in quorum requirements is not an alteration of voting interests. The merger or consolidation of one or more associations under a plan of merger or consolidation under chapter 607 or chapter 617 shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel.

Section 15. Paragraph (t) is added to subsection (3) of section 720.307, Florida Statutes, to read:

720.307 Transition of association control in a community.--With respect to homeowners' associations:

(3) At the time the members are entitled to elect at least a majority of the board of directors of the homeowners' association, the developer shall, at the developer's expense, within no more than 90 days deliver the following documents to the board:

(t) The financial records, including financial statements of the association, and source documents from the incorporation of the association through the date of turnover. The records shall be audited by an independent certified public accountant for the period from the incorporation of the association or from the period covered by the last audit, if an audit has been performed for each fiscal year since incorporation. All financial statements shall be prepared in accordance with generally accepted accounting principles and shall be audited in accordance with generally accepted auditing standards, as prescribed by the Board of Accountancy, pursuant to chapter 473. The certified public accountant performing the audit shall examine to the extent necessary supporting documents and records, including the cash disbursements and related paid invoices to determine if expenditures were for association purposes and the billings, cash receipts, and related records of the association to determine that the developer was charged and paid the proper amounts of assessments. This paragraph applies to associations with a date of incorporation after December 31, 2006.

Section 16. Section 720.308, Florida Statutes, is amended to read:

720.308 Assessments and charges.--

(1) ASSESSMENTS.--For any community created after October 1, 1995, the governing documents must describe the manner in which expenses are shared and specify the member's proportional share thereof. Assessments levied pursuant to the annual budget or special assessment must be in the member's proportional share of expenses as described in the governing document, which share may be different among classes of parcels based upon the state of development thereof, levels of services received by the applicable members, or other relevant factors. While the developer is in control of the homeowners' association, it may be excused from payment of its share of the operating expenses and assessments related to its parcels for any period of time for which the developer has, in the declaration, obligated itself to pay any operating expenses incurred that exceed the assessments receivable from other members and other income of the association. This section does not apply to an association, no matter when created, if the association is created in a community that is included in an effective development-of-regional-impact development order as of the effective date of this act, together with any approved modifications thereto.

(2) GUARANTEES OF COMMON EXPENSES.--

(a) Establishment of a guarantee.--If a guarantee of the assessments of parcel owners is not included in the purchase contracts or declaration, any agreement establishing a guarantee shall only be effective upon the approval of a majority of the voting interests of the members other than the developer. Approval shall be expressed at a meeting of the members voting in person or by limited proxy or by agreement in writing without a meeting if provided in the bylaws. Such guarantee shall meet the requirements of this section.

(b) Guarantee period.--The period of time for the guarantee shall be indicated by a specific beginning and ending date or event.

1. The ending date or event shall be the same for all of the members of an association, including members in different phases of the development.

2. The guarantee may provide for different intervals of time during a guarantee period with different dollar amounts for each such interval.

3. The guarantee may provide that after the initial stated period, the developer has an option to extend the guarantee for one or more additional stated periods. The extension of a guarantee is limited to extending the ending date or event; therefore, the developer does not have the option of changing the level of assessments guaranteed.

(3) MAXIMUM LEVEL OF ASSESSMENTS.--The stated dollar amount of the guarantee shall be an exact dollar amount for each parcel identified in the declaration. Regardless of the stated dollar amount of the guarantee, assessments charged to a member shall not exceed the maximum obligation of the member based on the total amount of the adopted budget and the member's proportionate ownership share of the common elements.

(4) CASH FUNDING REQUIREMENTS DURING GUARANTEE.--The cash payments required from the guarantor during the guarantee period shall be determined as follows:

(a) If at any time during the guarantee period the funds collected from member assessments at the guaranteed level and other revenues collected by

the association are not sufficient to provide payment, on a timely basis, of all assessments, including the full funding of the reserves unless properly waived, the guarantor shall advance sufficient cash to the association at the time such payments are due.

(b) Expenses incurred in the production of nonassessment revenues, not in excess of the nonassessment revenues, shall not be included in the assessments. If the expenses attributable to nonassessment revenues exceed nonassessment revenues, only the excess expenses must be funded by the guarantor. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment; such expense shall not be charged to the guarantor; and the net investment income shall be retained by the association. Each such nonassessment-revenue-generating activity shall be considered separately. Any portion of the parcel assessment that is budgeted for designated capital contributions of the association shall not be used to pay operating expenses.

(5) CALCULATION OF GUARANTOR'S FINAL OBLIGATION.--The guarantor's total financial obligation to the association at the end of the guarantee period shall be determined on the accrual basis using the following formula: the guarantor shall pay any deficits that exceed the guaranteed amount, less the total regular periodic assessments earned by the association from the members other than the guarantor during the guarantee period regardless of whether the actual level charged was less than the maximum guaranteed amount.

(6) EXPENSES.--Expenses incurred in the production of nonassessment revenues, not in excess of the nonassessment revenues, shall not be included in the operating expenses. If the expenses attributable to nonassessment revenues exceed nonassessment revenues, only the excess expenses must be funded by the guarantor. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment; such expense shall not be charged to the guarantor; and the net investment income shall be retained by the association. Each such nonassessment-revenue-generating activity shall be considered separately. Any portion of the parcel assessment that is budgeted for designated capital contributions of the association shall not be used to pay operating expenses.

Section 17. Section 720.311, Florida Statutes, is amended to read:

720.311 Dispute resolution.--

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for ~~mediation or~~ arbitration or the serving of an offer for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department pursuant to s. 720.303(10) shall be conducted by the department in accordance with the provisions of ss. 718.112(2)(j) and 718.1255 and the rules adopted by the division. In addition, the department shall conduct mandatory binding arbitration of election disputes between a member and an association pursuant to s. 718.1255 and rules adopted by the division. Neither election disputes nor recall disputes are eligible for presuit mediation; these disputes shall be arbitrated by the department. At the conclusion of the proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. Initially, the petitioner shall remit a filing fee of at least $200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding shall recover its reasonable costs and attorney's fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.

(2)(a) Disputes between an association and a parcel owner regarding use of or changes to the parcel or the common areas and other covenant enforcement disputes, disputes regarding amendments to the association documents, disputes regarding meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of an offer ~~filed with the department~~ for presuit ~~mandatory~~ mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section shall not include the collection of any assessment, fine, or other financial obligation, including attorney's fees and costs, claimed to be due or any action to enforce a prior mediation settlement agreement between the parties. Also, in any dispute subject to presuit mediation under this section where emergency relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation requirements of this section. After any issues regarding emergency or temporary relief are resolved, the court may either refer the parties to a mediation program administered by the courts or require mediation under this section. An arbitrator or judge may not consider any information or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or with the parties' agreement in a proceeding seeking to enforce the agreement. Persons who are not parties to the dispute may not attend the presuit mediation conference without the consent of all parties, except for counsel for the parties and a corporate representative designated by the association. When mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes of notice and participation set forth in s. 720.303. An aggrieved party shall serve on the responding party a written offer to participate in presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE IN PRESUIT MEDIATION

The alleged aggrieved party, _____, hereby offers to _____, as the responding party, to enter into presuit mediation in connection with the following dispute, which by statute is of a type that is subject to presuit mediation:

(List specific nature of the dispute or disputes to be mediated and the authority supporting a finding of a violation as to each dispute.)

Pursuant to section 720.311, Florida Statutes, this offer to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. Pursuant to the statute, the aggrieved party is hereby offering to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to agree to presuit mediation, or if you agree and later fail to follow through with your agreement to mediate, suit may be brought against you without further warning.

The process of mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. The mediation process is a voluntary one. By agreeing to participate in presuit mediation, you are not bound in any way to change your position or to enter into any type of agreement. Furthermore, the mediator has no authority to make any decisions in this matter or to determine who is right or wrong and merely acts as a facilitator to ensure that each party understands the position of the other party and that all reasonable settlement options are fully explored. All mediation communications are confidential under the Mediation Confidentiality and Privilege Act pursuant to sections 44.401-44.406, Florida Statutes, and a mediation participant may not disclose a mediation communication to a person other than a mediation participant or a participant's counsel.

If an agreement is reached, it shall be reduced to writing and becomes a binding and enforceable commitment of the parties. A resolution of one or more disputes in this fashion avoids the need to litigate these issues in court. The failure to reach an agreement, or the failure of a party to participate in the process, results in the mediator's declaring an impasse in the mediation, after which the aggrieved party may proceed to court on all outstanding, unsettled disputes.

The aggrieved party has selected and hereby lists three certified mediators who we believe to be neutral and qualified to mediate the dispute. You have the right to select any one of these mediators. The fact that one party may be familiar with one or more of the listed mediators does not mean that the mediator cannot act as a neutral and impartial facilitator. Any mediator who cannot act in this capacity ethically must decline to accept engagement. The mediators that we suggest, and their current hourly rates, are as follows:

(List the names, addresses, telephone numbers, and hourly rates of the mediators. Other pertinent information about the background of the mediators may be included as an attachment.)

You may contact the offices of these mediators to confirm that the listed mediators will be neutral and will not show any favoritism toward either party. The names of certified mediators may be found through the office of the clerk of the circuit court for this circuit.

If you agree to participate in the presuit mediation process, the statute requires that each party is to pay one-half of the costs and fees involved in the presuit mediation process unless otherwise agreed by all parties. An average mediation may require 3 to 4 hours of the mediator's time, including some preparation time, and each party would need to pay one-half of the mediator's fees as well as his or her own attorney's fees if he or she chooses to employ an attorney in connection with the mediation. However, use of an attorney is not required and is at the option of each party. The mediator may require the advance payment of some or all of the anticipated fees. The aggrieved party hereby agrees to pay or prepay one-half of the mediator's estimated fees and to forward this amount or such other reasonable advance deposits as the mediator may require for this purpose. Any funds deposited will be returned to you if these are in excess of your share of the fees incurred.

If you agree to participate in presuit mediation in order to attempt to resolve the dispute and thereby avoid further legal action, please sign below and clearly indicate which mediator is acceptable to you. We will then ask the mediator to schedule a mutually convenient time and place for the mediation conference to be held. The mediation conference must be held within 90 days after the date of this letter unless extended by mutual written agreement. In the event that you fail to respond within 20 days after the date of this letter, or if you fail to agree to at least one of the mediators that we have suggested and to pay or prepay to the mediator one-half of the costs involved, the aggrieved party will be authorized to proceed with the filing of a lawsuit against you without further notice and may seek an award of attorney's fees or costs incurred in attempting to obtain mediation.

Should you wish, you may also elect to waive presuit mediation so that this matter may proceed directly to court.

Therefore, please give this matter your immediate attention. By law, your response must be mailed by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail to the address shown on this offer.

_____

_____

RESPONDING PARTY: CHOOSE ONLY ONE OF THE TWO OPTIONS BELOW. YOUR SIGNATURE INDICATES YOUR AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

The undersigned hereby agrees to participate in presuit mediation and agrees to the following mediator or mediators as acceptable to mediate this dispute:

(List acceptable mediator or mediators.)

I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

_____

Signature of responding party #1

_____

Signature of responding party #2 (if applicable)(if property is owned by more than one person, all owners must sign)

WAIVER OF MEDIATION

The undersigned hereby waives the right to participate in presuit mediation of the dispute listed above and agrees to allow the aggrieved party to proceed in court on such matters.

_____

Signature of responding party #1

_____

Signature of responding party #2 (if applicable)(if property is owned by more than one person, all owners must sign)

(b) Service of the statutory offer to participate in presuit mediation shall be effected by sending a letter in substantial conformity with the above form by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association. The responding party shall have 20 days from the date of the mailing of the statutory offer to serve a response to the aggrieved party in writing. The response shall be served by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address shown on the statutory offer. In the alternative, the responding party may waive mediation in writing. Notwithstanding the foregoing, once the parties have agreed on a mediator, the mediator may reschedule the mediation for a date and time mutually convenient to the parties. ~~The department shall conduct the proceedings through the use of department mediators or refer the disputes to private mediators who have been duly certified by the department as provided in paragraph (c).~~ The parties shall share the costs of presuit mediation equally, including the fee charged by the mediator, if any, unless the parties agree otherwise, and the mediator may require advance payment of its reasonable fees and costs. The failure of any party to respond to a demand or response, to agree upon a mediator, to make payment of fees and costs within the time established by the mediator, or to appear for a scheduled mediation session shall operate as an impasse in the presuit mediation by such party, entitling the other party to proceed in court and to seek an award of the costs and fees associated with the mediation. Additionally, if any presuit mediation session cannot be scheduled and conducted within 90 days after the offer to participate in mediation was filed, an impasse shall be deemed to have occurred unless both parties agree to extend this deadline. ~~If a department mediator is used, the department may charge such fee as is necessary to pay expenses of the mediation, including, but not limited to, the salary and benefits of the mediator and any travel expenses incurred. The petitioner shall initially file with the department upon filing the disputes, a filing fee of $200, which shall be used to defray the costs of the mediation. At the conclusion of the mediation, the department shall charge to the parties, to be shared equally unless otherwise agreed by the parties, such further fees as are necessary to fully reimburse the department for all expenses incurred in the mediation.~~

(c)~~(b)~~ If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, the parties may file the unresolved dispute in a court of competent jurisdiction or elect to enter into binding or

nonbinding arbitration pursuant to the procedures set forth in s. 718.1255 and rules adopted by the division, with the arbitration proceeding to be conducted by a department arbitrator or by a private arbitrator certified by the department. If all parties do not agree to arbitration proceedings following an unsuccessful presuit mediation, any party may file the dispute in court. A final order resulting from nonbinding arbitration is final and enforceable in the courts if a complaint for trial de novo is not filed in a court of competent jurisdiction within 30 days after entry of the order. As to any issue or dispute that is not resolved at presuit mediation, and as to any issue that is settled at presuit mediation but is thereafter subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process.

(d)~~(c) The department shall develop a certification and training program for private mediators and private arbitrators which shall emphasize experience and expertise in the area of the operation of community associations.~~ A mediator or arbitrator shall be certified to conduct mediation or arbitration under this section ~~by the department~~ only if he or she has been certified as a circuit court civil mediator or arbitrator, respectively, pursuant to the requirements established ~~attended at least 20 hours of training in mediation or arbitration, as appropriate, and only if the applicant has mediated or arbitrated at least 10 disputes involving community associations within 5 years prior to the date of the application, or has mediated or arbitrated 10 disputes in any area within 5 years prior to the date of application and has completed 20 hours of training in community association disputes. In order to be certified by the department, any mediator must also be certified~~ by the Florida Supreme Court. ~~The department may conduct the training and certification program within the department or may contract with an outside vendor to perform the training or certification. The expenses of operating the training and certification and training program shall be paid by the moneys and filing fees generated by the arbitration of recall and election disputes and by the mediation of those disputes referred to in this subsection and by the training fees.~~

(e)~~(d)~~ The presuit mediation procedures provided by this subsection may be used by a Florida corporation responsible for the operation of a community in which the voting members are parcel owners or their representatives, in which membership in the corporation is not a mandatory condition of parcel ownership, or which is not authorized to impose an assessment that may become a lien on the parcel.

~~(3) The department shall develop an education program to assist homeowners, associations, board members, and managers in understanding and increasing awareness of the operation of homeowners' associations pursuant to this chapter and in understanding the use of alternative dispute resolution techniques in resolving disputes between parcel owners and associations or between owners. Such education program may include the development of pamphlets and other written instructional guides, the holding of classes and meetings by department employees or outside vendors, as the department determines, and the creation and maintenance of a website containing instructional materials. The expenses of operating the education program shall be initially paid by the moneys and filing fees generated by the arbitration of recall and election disputes and by the mediation of those disputes referred to in this subsection.~~

Section 18. Except as otherwise expressly provided in this act, 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 community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

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

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

HB 1123—A bill to be entitled An act relating to government accountability; creating ch. 21, F.S., the Florida Government Accountability Act; providing definitions; creating the Legislative Sunset Advisory Committee; providing for appointment, qualifications, and terms of committee members; providing for vacancies; providing for organization and procedure; authorizing reimbursement for certain expenses; providing for employment of staff; providing a schedule for abolishing state agencies and advisory committees; requiring the committee to conduct prior review and recommend whether to abolish an agency and its advisory committees as scheduled; providing for public hearings; requiring agency and committee reports; providing review criteria; specifying recommendation options; providing for continuation, by law, under certain circumstances; providing for legislative consideration of proposals with respect to such recommendations; providing procedures after termination; providing for issuance of subpoenas; authorizing reimbursement for travel and per diem for witnesses; providing for assistance of and access to state agencies; providing applicability with respect to certain rights, penalties, liabilities, and proceedings; providing for review of proposed legislation creating a new agency or advisory committee; providing an effective date.

The State Administration Council recommended the following:

HB 1123 CS—A bill to be entitled An act relating to government accountability; creating ch. 21, F.S., the Florida Government Accountability Act; providing definitions; creating the Legislative Sunset Advisory Committee; providing for appointment, qualifications, and terms of committee members; providing for vacancies; providing for organization and procedure; authorizing reimbursement for certain expenses; providing for employment of staff; providing a schedule for abolishing state agencies and advisory committees; prescribing required content for agency reports to the committee; providing for review of agencies and their advisory committees by the Office of Program Policy Analysis and Government Accountability; prescribing duties of the committee in reviewing reports, consulting with other legislative entities, holding public hearings, and making a report and recommendations to the legislative leadership with respect to agencies scheduled for abolition; providing for monitoring committee recommendations; providing review criteria; specifying recommendation options; authorizing exemption from certain review for certain agencies; providing for continuation of state agencies and their advisory committees, by law, under certain circumstances; providing for legislative consideration of proposals with respect to such recommendations; providing procedures after termination; providing for issuance of subpoenas; authorizing reimbursement for travel and per diem for witnesses; providing for assistance of and access to state agencies; providing applicability with respect to certain rights, penalties, liabilities, and proceedings; providing for review of proposed legislation creating a new agency or advisory committee; amending s. 216.023, F.S.; requiring that performance measures and standards and outsourcing cost-benefit and business case analyses identify impacts on agency activities; creating a working group to develop instructions for agencies regarding the computation of activity and unit cost information required to be included in legislative budget requests; providing an effective date.

—was read the second time by title.

REPRESENTATIVE FARKAS IN THE CHAIR

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

Representatives Sansom, Cannon, and Rubio offered the following:

(Amendment Bar Code: 302671)

Amendment 1 (with title amendment)—Remove line(s) 566-674 and insert:

Section 2. Paragraph (b) of subsection (4) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.--

(4)

(b) It is the intent of the Legislature that total accountability measures, including unit-cost data, serve not only as a budgeting tool but also as a policymaking tool and an accountability tool. Therefore, each state agency and the judicial branch must submit a ~~one-page~~ summary of information for the preceding year in accordance with the legislative budget instructions. Each ~~one-page~~ summary must provide a one-page overview and must contain:

1. The final budget for the agency and the judicial branch.
2. Total funds from the General Appropriations Act.
3. Adjustments to the General Appropriations Act.
4. The line-item listings of all activities.
5. The number of activity units performed or accomplished.
6. Total expenditures for each activity, including amounts paid to contractors and subordinate entities. Expenditures related to administrative activities not aligned with output measures must consistently be allocated to activities with output measures prior to computing unit costs.
7. The cost per unit for each activity, including the costs allocated to contractors and subordinate entities.
8. The total amount of reversions and pass-through expenditures omitted from unit-cost calculations.

At the regular session immediately following the submission of the agency unit cost summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required under this paragraph.

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

Remove lines 37-43 and insert:

advisory committee; amending s. 216.023, F.S.; clarifying the format of certain legislative budget requests; providing an effective

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

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

Representatives Sansom, Cannon, and Rubio offered the following:

(Amendment Bar Code: 611719)

Amendment 2 (with directory and title amendments)—Between lines 422 and 423 insert:

21.014 Continuation by default.--If legislation regarding the continuation, reorganization, consolidation, or abolition of a state agency and its advisory committees fails to become law in the year in which a state agency and its advisory committees are scheduled to be abolished, the agency shall be continued for a period of 12 months.

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

Remove line 50 and insert:

21.008, 21.009, 21.0111, 21.012, 21.0125, 21.013, 21.014, 21.015,

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

Remove line 26 and insert:

review for certain agencies; providing for continuation of state agencies and their advisory committees by default under certain circumstances; providing for continuation of

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 1125—A bill to be entitled An act relating to public records; creating s. 21.0195, F.S.; exempting from public records requirements working papers,

including all documentary or other information, prepared or maintained by the Legislative Sunset Advisory Committee in performing its duties under ch. 21, F.S., to conduct an evaluation and prepare a report; specifying that information received for such purpose that is confidential and exempt shall remain confidential and exempt; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

The State Administration Council recommended the following:

HB 1125 CS—A bill to be entitled An act relating to public records; creating s. 21.0195, F.S.; exempting from public records requirements working papers, including all documentary or other information, prepared or maintained by the Legislative Sunset Advisory Committee in performing its duties under ch. 21, F.S., to conduct an evaluation and prepare a report; specifying that information received for such purpose that is confidential and exempt shall remain confidential and exempt; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

HB 7075—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; clarifying requirements relating to proof of education and insurance; amending s. 482.211, F.S.; clarifying exemption of certain mosquito control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; creating s. 570.954, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; establishing the Farm to Fuel Grants Program; providing criteria for distribution of grants; authorizing appointment of an advisory council; providing purposes; providing membership; authorizing the department to adopt rules; creating s. 220.192, F.S.; providing certain tax credits for certain producers of ethanol and biodiesel; authorizing the Department of Revenue to adopt certain rules relating to the tax credits; providing for future repeal of the tax credits; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; providing an effective date.

The State Resources Council recommended the following:

HB 7075 CS—A bill to be entitled An act relating to agriculture; amending s. 403.067, F.S.; clarifying rulemaking authority relating to pollution reduction; granting presumption of compliance with water quality standards for certain research; releasing certain research from penalties relating to the discharge of pollutants; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; revising requirements relating to proof of education and insurance; revising the amount of required continuing education; removing a requirement for certain business experience; amending s. 482.211, F.S.; clarifying exemption of certain mosquito control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; amending s. 500.12, F.S.; providing an exemption from certain food inspections by the department; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the amount of funds that may be granted; defining "losses" and "essential physical property"; creating s. 570.954, F.S.; authorizing the department, in consultation with the state energy office within the Department of Environmental Protection, to develop a farm-to-fuel initiative; providing purposes of the initiative; providing for a statewide information and education program; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining "agricultural chemicals manufacturing facility"; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the department to erect suitable markers; providing an effective date.

—was read the second time by title.

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

Representative(s) Stansel offered the following:

(Amendment Bar Code: 090727)

Amendment 1 (with title amendment)—Remove lines 470 and 471 and insert:

Section 16. For purposes of ss. 810.08 and 810.09, Florida Statutes, no person may lawfully remain on any property or in any structure that is held open to the public generally for commercial purposes and from which agricultural products are sold or is permitted under chapter 500, Florida Statutes, after the owner or its agent orders that person to leave the premises because the person is engaged in an activity deemed by the owner or its agent to be detrimental to the commercial purposes for which the premises is held open for the public.

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

Remove line 52 and insert:

department to erect suitable markers; prohibiting any person from remaining on certain property or in certain structures for commercial purposes under certain circumstances; providing an

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

Representative(s) Poppell offered the following:

(Amendment Bar Code: 669757)

Amendment 2 (with title amendment)—Remove line 471 and insert:

Section 16. Assessment of obsolete agricultural equipment.--

(1) For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461, Florida Statues and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

(2) This section shall take effect January 1, 2007.

Section 17. Except as otherwise expressly provided in this act, this act shall take effect on July 1, 2006.

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

Remove lines 52-53 and insert:

department to erect suitable markers; providing for certain ad valorem taxation for agriculture equipment under certain circumstances; providing effective dates.

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

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

HB 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S.; increasing the percentage of loans for redevelopment projects in brownfield areas to which the state loan guarantee applies under the Brownfield Areas Loan Guarantee Program; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; 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: 586547)

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

Section 1. Section 199.1055, Florida Statutes, is amended to read:

199.1055 Contaminated site rehabilitation tax credit.--

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

(a) A credit in the amount of 50 ~~35~~ percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is available against any tax due for a taxable year under s. 199.032, less any credit allowed by former s. 220.68 for that year:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A tax credit applicant, or multiple tax credit applicants working jointly to clean up a single site, may not be granted more than $500,000 ~~$250,000~~ per year in tax credits for each site voluntarily rehabilitated. Multiple tax credit applicants shall be granted tax credits in the same proportion as their contribution to payment of cleanup costs. Subject to the same conditions and limitations as provided in this section, a municipality, county, or other tax credit applicant which voluntarily rehabilitates a site may receive not more than $500,000 ~~$250,000~~ per year in tax credits which it can subsequently transfer subject to the provisions in paragraph (g).

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the tax credit applicant, the unused amount may be carried forward for a period not to exceed 5 years. Five years after the date a credit is granted under this section, such credit expires and may not be used. However, if during the 5-year period the credit is transferred, in whole or in part, pursuant to paragraph (g), each transferee has 5 years after the date of transfer to use its credit.

(d) A taxpayer that receives a credit under s. 220.1845 is ineligible to receive credit under this section in a given tax year.

(e) A tax credit applicant that receives state-funded site rehabilitation pursuant to s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive credit under this section for costs incurred by the tax credit applicant in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

(f) The total amount of the tax credits which may be granted under this section and s. 220.1845 is $5 ~~$2~~ million annually.

(g)1. Tax credits that may be available under this section to an entity eligible under s. 376.30781 may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

2. The entity or its surviving or acquiring entity as described in subparagraph 1., may transfer any unused credit in whole or in units of no less than 25 percent of the remaining credit. The entity acquiring such credit may use it in the same manner and with the same limitation as described in this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced either as a result of a determination by the Department of Environmental Protection or an examination or audit by the Department of Revenue, such tax deficiency shall be recovered from the first entity, or the surviving or acquiring entity, to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(h) In order to encourage completion of site rehabilitation at contaminated sites being voluntarily cleaned up and eligible for a tax credit under this section, the tax credit applicant may claim an additional 25 ~~10~~ percent of the total cleanup costs, not to exceed $500,000 ~~$50,000~~, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(i) In order to encourage the construction of housing that meets the definition of affordable provided in s. 420.0004(3), an applicant for the tax credit may claim an additional 25 percent of the total site-rehabilitation costs that are eligible for tax credits under this section, not to exceed $500,000. In order to receive this additional tax credit, the applicant must provide a certification letter from the Florida Housing Finance Corporation, the local housing authority, or other governmental agency that is a party to the use agreement, indicating that the construction on the brownfield site is complete, the brownfield site has received a certificate of occupancy, and the brownfield site has a properly recorded instrument that limits the use of the property to housing that meets the definition of affordable provided in s. 420.0004(3).

(2) FILING REQUIREMENTS.--Any taxpayer that wishes to obtain credit under this section must submit with its return a tax credit certificate approving partial tax credits issued by the Department of Environmental Protection under s. 376.30781.

(3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT FORFEITURE.--

(a) The Department of Revenue may adopt rules to prescribe any necessary forms required to claim a tax credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(b) In addition to its existing audit and investigation authority relating to chapters 199 and 220, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, or records of the tax credit applicant, which are necessary to verify the site rehabilitation costs included in a tax credit return and to ensure compliance with this section. The Department of Environmental Protection shall provide technical assistance, when requested by the Department of Revenue, on any technical audits performed under this section.

(c) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of either an audit or information received from the Department of Environmental Protection, that a taxpayer received tax credits under this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer shall be prohibited from claiming any future tax credits under this section or s. 220.1845.

1. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

2. The taxpayer shall file with the Department of Revenue an amended tax return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax within 60 days after the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

3. A notice of deficiency may be issued by the Department of Revenue at any time within 5 years after the date the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency shall be limited to the amount of any deficiency resulting under this section from the recomputation of the taxpayer's tax for the taxable year.

4. Any taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit is in violation of this section and is subject to applicable penalty and interest.

Section 2. Section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.--

(1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

(a) A credit in the amount of 50 ~~35~~ percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is available against any tax due for a taxable year under this chapter:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A tax credit applicant, or multiple tax credit applicants working jointly to clean up a single site, may not be granted more than $500,000 ~~$250,000~~ per year in tax credits for each site voluntarily rehabilitated. Multiple tax credit applicants shall be granted tax credits in the same proportion as their contribution to payment of cleanup costs. Subject to the same conditions and limitations as provided in this section, a municipality, county, or other tax credit applicant which voluntarily rehabilitates a site may receive not more than $500,000 ~~$250,000~~ per year in tax credits which it can subsequently transfer subject to the provisions in paragraph (h).

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the corporation is eligible in that year under this section after applying the other credits and unused carryovers in the order provided by s. 220.02(8). Five years after the date a credit is granted under this section, such credit expires and may not be used. However, if during the 5-year period the credit is transferred, in whole or in part, pursuant to paragraph (h), each transferee has 5 years after the date of transfer to use its credit.

(d) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group.

(e) A taxpayer that receives credit under s. 199.1055 is ineligible to receive credit under this section in a given tax year.

(f) A tax credit applicant that receives state-funded site rehabilitation under s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive credit under this section for costs incurred by the tax credit applicant in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

(g) The total amount of the tax credits which may be granted under this section and s. 199.1055 is $5 ~~$2~~ million annually.

(h)1. Tax credits that may be available under this section to an entity eligible under s. 376.30781 may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner and with the same limitations.

2. The entity or its surviving or acquiring entity as described in subparagraph 1., may transfer any unused credit in whole or in units of no less than 25 percent of the remaining credit. The entity acquiring such credit may use it in the same manner and with the same limitation as described in this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced either as a result of a determination by the Department of Environmental Protection or an examination or audit by the Department of Revenue, such tax deficiency shall be recovered from the first entity, or the surviving or acquiring entity, to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(i) In order to encourage completion of site rehabilitation at contaminated sites being voluntarily cleaned up and eligible for a tax credit under this section, the tax credit applicant may claim an additional 25 ~~10~~ percent of the total cleanup costs, not to exceed $500,000 ~~$50,000~~, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(j) In order to encourage the construction of housing that meets the definition of affordable provided in s. 420.0004(3), an applicant for the tax credit may claim an additional 25 percent of the total site-rehabilitation costs that are eligible for tax credits under this section, not to exceed $500,000. In order to receive this additional tax credit, the applicant must provide a certification letter from the Florida Housing Finance Corporation, the local housing authority, or other governmental agency that is a party to the use agreement, indicating that the construction on the brownfield site is complete, the brownfield site has received a certificate of occupancy, and the brownfield site has a properly recorded instrument that limits the use of the property to housing that meets the definition of affordable provided in s. 420.0004(3).

(2) FILING REQUIREMENTS.--Any corporation that wishes to obtain credit under this section must submit with its return a tax credit certificate approving partial tax credits issued by the Department of Environmental Protection under s. 376.30781.

(3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT FORFEITURE.--

(a) The Department of Revenue may adopt rules to prescribe any necessary forms required to claim a tax credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(b) In addition to its existing audit and investigation authority relating to chapter 199 and this chapter, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, or records of the tax credit applicant, which are necessary to verify the site rehabilitation costs included in a tax credit return and to ensure compliance with this section. The Department of Environmental Protection shall provide technical assistance, when requested by the Department of Revenue, on any technical audits performed pursuant to this section.

(c) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of either an audit or information received from the Department of Environmental Protection, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer shall be

prohibited from claiming any future tax credits under this section or s. 199.1055.

1. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

2. The taxpayer shall file with the Department of Revenue an amended tax return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax within 60 days after the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

3. A notice of deficiency may be issued by the Department of Revenue at any time within 5 years after the date the taxpayer receives notification from the Department of Environmental Protection pursuant to s. 376.30781 that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency shall be limited to the amount of any deficiency resulting under this section from the recomputation of the taxpayer's tax for the taxable year.

4. Any taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit is in violation of this section and is subject to applicable penalty and interest.

Section 3. Section 376.30781, Florida Statutes, is amended to read:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.--

(1) The Legislature finds that:

(a) To facilitate property transactions and economic growth and development, it is in the interest of the state to encourage the cleanup, at the earliest possible time, of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas.

(b) It is the intent of the Legislature to encourage the voluntary cleanup of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas by providing a partial tax credit for the restoration of such property in specified circumstances.

(2) Notwithstanding the requirements of subsection (5), tax credits allowed pursuant to ss. 199.1055 and 220.1845 are available for any site rehabilitation conducted during the calendar year in which the applicable voluntary cleanup agreement or brownfield site rehabilitation agreement is executed, even if the site rehabilitation is conducted prior to the execution of that agreement or the designation of the brownfield area.

(3)~~(2)~~(a) A credit in the amount of 50 ~~35~~ percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites is allowed pursuant to ss. 199.1055 and 220.1845:

1. A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under s. 376.3078(3);

2. A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to s. 376.3078(11), if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

3. A brownfield site in a designated brownfield area under s. 376.80.

(b) A tax credit applicant, or multiple tax credit applicants working jointly to clean up a single site, may not be granted more than $500,000 ~~$250,000~~ per year in tax credits for each site voluntarily rehabilitated. Multiple tax credit applicants shall be granted tax credits in the same proportion as their contribution to payment of cleanup costs. Tax credits are available only for site rehabilitation conducted during the calendar year for which the tax credit application is submitted.

(c) In order to encourage completion of site rehabilitation at contaminated sites that are being voluntarily cleaned up and that are eligible for a tax credit under this section, the tax credit applicant may claim an additional 25 ~~10~~ percent of the total cleanup costs, not to exceed $500,000 ~~$50,000~~, in the final year of cleanup as evidenced by the Department of Environmental Protection issuing a "No Further Action" order for that site.

(d) In order to encourage the construction of housing that meets the definition of affordable provided in s. 420.0004(3), an applicant for the tax credit may claim an additional 25 percent of the total site-rehabilitation costs that are eligible for tax credits under this section, not to exceed $500,000. In order to receive this additional tax credit, the applicant must provide a certification letter from the Florida Housing Finance Corporation, the local housing authority, or other governmental agency that is a party to the use agreement, indicating that the construction on the brownfield site is complete, the brownfield site has received a certificate of occupancy, and the brownfield site has a properly recorded instrument that limits the use of the property to housing that meets the definition of affordable provided in s. 420.0004(3). Notwithstanding the limitation that only one application shall be submitted each year for each site, an application for the additional credit provided for in this paragraph shall be submitted as soon as all requirements to obtain this additional tax credit have been met.

(e) Notwithstanding the restrictions in this section that limit tax credit eligibility to costs that are integral to site rehabilitation, to encourage the redevelopment of properties in designated brownfield areas that are hindered by the presence of solid waste, as defined in s. 403.703, a tax credit applicant may also claim costs to address the solid waste, but only those costs to remove, transport, and dispose of solid waste in accordance with department rules. These costs are eligible for a tax credit provided the applicant submits an affidavit stating that, after consultation with appropriate local government officials and the department, to the best of the applicant's knowledge, the site was never operated as a landfill or dump site for monetary compensation, and submits all other documentation and certifications required by this section. In this section, where reference is made to "site rehabilitation," the department shall instead consider whether the costs claimed are for removal, transportation, and disposal of solid waste.

(4)~~(3)~~ The Department of Environmental Protection shall be responsible for allocating the tax credits provided for in ss. 199.1055 and 220.1845, not to exceed a total of $5 ~~$2~~ million in tax credits annually.

(5)~~(4)~~ To claim the credit for site rehabilitation conducted during the current calendar year, each tax credit applicant must apply to the Department of Environmental Protection for an allocation of the $5 ~~$2~~ million annual credit by January 15 of the following year on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each tax credit applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (3)~~(2)~~(a) 2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of partial tax credits must be accomplished on a first-come, first-served basis based upon the date complete applications are received by the Division of Waste Management. A tax credit applicant shall submit only one complete application per site for each calendar year's site rehabilitation costs. Incomplete placeholder applications shall not be accepted and will not secure a place in the first-come, first-served application line. To be eligible for a tax credit, the tax credit applicant must:

(a) Have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable; and

(b) Have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites.

(6)~~(5)~~ To obtain the tax credit certificate, a tax credit applicant must annually file an application for certification, which must be received by the Division of Waste Management of the Department of Environmental Protection by January 15 of the year following the calendar year for which site rehabilitation costs are being claimed in a tax credit application. The tax credit applicant must provide all pertinent information requested on the tax credit application form, including, at a minimum, the name and address of the tax credit applicant and the address and tracking identification number of the eligible site. Along with the tax credit application form, the tax credit applicant must submit the following:

(a) A nonrefundable review fee of $250 made payable to the Water Quality Assurance Trust Fund to cover the administrative costs associated with the department's review of the tax credit application;

(b) Copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving actual costs incurred for that tax year related to site rehabilitation, as that term is defined in ss. 376.301 and 376.79;

(c) Proof that the documentation submitted pursuant to paragraph (b) has been reviewed and verified by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, the certified public accountant must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the data presented by the tax credit applicant. Accuracy and validity of costs incurred and paid would be determined once the level of effort was certified by an appropriate professional registered in this state in each contributing technical discipline. The certified public accountant's report would also attest that the costs included in the application form are not duplicated within the application. A copy of the accountant's report shall be submitted to the Department of Environmental Protection with the tax credit application; and

(d) A certification form stating that site rehabilitation activities associated with the documentation submitted pursuant to paragraph (b) have been conducted under the observation of, and related technical documents have been signed and sealed by, an appropriate professional registered in this state in each contributing technical discipline. The certification form shall be signed and sealed by the appropriate registered professionals stating that the costs incurred were integral, necessary, and required for site rehabilitation, as that term is defined in ss. 376.301 and 376.79.

(7)~~(6)~~ The certified public accountant and appropriate registered professionals submitting forms as part of a tax credit application must verify such forms. Verification must be accomplished as provided in s. 92.525(1)(b) and subject to the provisions of s. 92.525(3).

(8)~~(7)~~ The Department of Environmental Protection shall review the tax credit application and any supplemental documentation that the tax credit applicant may submit prior to the annual application deadline in order to have the application considered complete, for the purpose of verifying that the tax credit applicant has met the qualifying criteria in subsections (3)~~(2)~~ and (5)~~(4)~~ and has submitted all required documentation listed in subsection (6)~~(5)~~. Upon verification that the tax credit applicant has met these requirements, the department shall issue a written decision granting eligibility for partial tax credits (a tax credit certificate) in the amount of 50 ~~35~~ percent of the total costs claimed, subject to the $500,000 ~~$250,000~~ limitation, for the calendar year for which the tax credit application is submitted based on the report of the certified public accountant and the certifications from the appropriate registered technical professionals.

(9)~~(8)~~ On or before March 1, the Department of Environmental Protection shall inform each eligible tax credit applicant of the amount of its partial tax credit and provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 199.1055(1)(g) or s. 220.1845(1)(h). Credits will not result in the payment of refunds if total credits exceed the amount of tax owed.

(10)~~(9)~~ If a tax credit applicant does not receive a tax credit allocation due to an exhaustion of the $5 ~~$2~~ million annual tax credit authorization, such application will then be included in the same first-come, first-served order in the next year's annual tax credit allocation, if any, based on the prior year application.

(11)~~(10)~~ The Department of Environmental Protection may adopt rules to prescribe the necessary forms required to claim tax credits under this section and to provide the administrative guidelines and procedures required to administer this section.

(12)~~(11)~~ The Department of Environmental Protection may revoke or modify any written decision granting eligibility for partial tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive partial tax credits under this section. The Department of Environmental Protection shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted partial tax credits. Additionally, the tax credit applicant must notify the Department of Revenue of any change in its tax credit claimed.

(13)~~(12)~~ A tax credit applicant who receives state-funded site rehabilitation under s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive a tax credit under s. 199.1055 or s. 220.1845 for costs incurred by the tax credit applicant in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

Section 4. Subsections (15) and (16) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.--For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(15) "New business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant;

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by s. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

3. An office space in this state owned and used by a corporation newly domiciled in this state; provided such office space houses 50 or more full-time employees of such corporation; provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(b) Any business located in an enterprise zone or brownfield area that first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(c) A business that is situated on property annexed into a municipality and that, at the time of the annexation, is receiving an economic development ad valorem tax exemption from the county under s. 196.1995.

(16) "Expansion of an existing business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by s. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; provided that such business increases operations on a site colocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

(b) Any business located in an enterprise zone or brownfield area that increases operations on a site colocated with a commercial or industrial operation owned by the same business.

Section 5. Section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.--

(1) The board of county commissioners of any county or the governing authority of any municipality shall call a referendum within its total jurisdiction to determine whether its respective jurisdiction may grant economic development ad valorem tax exemptions under s. 3, Art. VII of the State Constitution if:

(a) The board of county commissioners of the county or the governing authority of the municipality votes to hold such referendum; or

(b) The board of county commissioners of the county or the governing authority of the municipality receives a petition signed by 10 percent of the registered electors of its respective jurisdiction, which petition calls for the holding of such referendum.

(2) The ballot question in such referendum shall be in substantially the following form:

Shall the board of county commissioners of this county (or the governing authority of this municipality, or both) be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses?

___ Yes--For authority to grant exemptions.

___ No--Against authority to grant exemptions.

(3) The board of county commissioners or the governing authority of the municipality that ~~which~~ calls a referendum within its total jurisdiction to determine whether its respective jurisdiction may grant economic development ad valorem tax exemptions may vote to limit the effect of the referendum to authority to grant economic development tax exemptions for new businesses and expansions of existing businesses located in an enterprise zone or a brownfield area, as defined in s. 376.79(4). If ~~In the event that~~ an area nominated to be an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the board of county commissioners or the governing authority of the municipality may call such referendum prior to such designation; however, the authority to grant economic development ad valorem tax exemptions does ~~will~~ not apply until such area is designated pursuant to s. 290.0065. The ballot question in such referendum shall be in substantially the following form and shall be used in lieu of the ballot question prescribed in subsection (2):

Shall the board of county commissioners of this county (or the governing authority of this municipality, or both) be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions for new businesses and expansions of existing businesses which are located in an enterprise zone or a brownfield area?

___Yes--For authority to grant exemptions.

___ No--Against authority to grant exemptions.

(4) A referendum pursuant to this section may be called only once in any 12-month period.

(5) Upon a majority vote in favor of such authority, the board of county commissioners or the governing authority of the municipality, at its discretion, by ordinance may exempt from ad valorem taxation up to 100 percent of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to 100 percent of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business, provided that the improvements to real property are made or the tangible personal property is added or increased on or after the day the ordinance is adopted. However, if the authority to grant exemptions is approved in a referendum in which the ballot question contained in subsection (3) appears on the ballot, the authority of the board of county commissioners or the governing authority of the municipality to grant exemptions is limited solely to new businesses and expansions of existing businesses that ~~which~~ are located in an enterprise zone or brownfield area. Property acquired to replace existing property shall not be considered to facilitate a business expansion. The exemption applies only to taxes levied by the respective unit of government granting the exemption. The exemption does not apply, however, to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution. Any such exemption shall remain in effect for up to 10 years with respect to any particular facility, regardless of any change in the authority of the county or municipality to grant such exemptions. The exemption shall not be prolonged or extended by granting exemptions from additional taxes or by virtue of any reorganization or sale of the business receiving the exemption.

(6) With respect to a new business as defined by s. 196.012(15)(c), the municipality annexing the property on which the business is situated may grant an economic development ad valorem tax exemption under this section to that business for a period that will expire upon the expiration of the exemption granted by the county. If the county renews the exemption under subsection (7), the municipality may also extend its exemption. A municipal economic development ad valorem tax exemption granted under this subsection may not extend beyond the duration of the county exemption.

(7) The authority to grant exemptions under this section will expire 10 years after the date such authority was approved in an election, but such authority may be renewed for another 10-year period in a referendum called and held pursuant to this section.

(8) Any person, firm, or corporation which desires an economic development ad valorem tax exemption shall, in the year the exemption is desired to take effect, file a written application on a form prescribed by the department with the board of county commissioners or the governing authority of the municipality, or both. The application shall request the adoption of an ordinance granting the applicant an exemption pursuant to this section and shall include the following information:

(a) The name and location of the new business or the expansion of an existing business;

(b) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

(c) A description of the tangible personal property for which an exemption is requested and the dates when such property was or is to be purchased;

(d) Proof, to the satisfaction of the board of county commissioners or the governing authority of the municipality, that the applicant is a new business or an expansion of an existing business, as defined in s. 196.012(15) or (16); and

(e) Other information deemed necessary by the department.

(9) Before it takes action on the application, the board of county commissioners or the governing authority of the municipality shall deliver a copy of the application to the property appraiser of the county. After careful consideration, the property appraiser shall report the following information to the board of county commissioners or the governing authority of the municipality:

(a) The total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total revenue available cannot be determined;

(b) Any revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section, or an estimate of such revenue if the actual revenue lost cannot be determined;

(c) An estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation; and

(d) A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or the expansion of an existing business, as defined in s. 196.012(15) or (16), or into neither, which determination the property appraiser shall also affix to the face of the application. Upon the request of the property appraiser, the department shall provide to him or her such information as it may have available to assist in making such determination.

(10) An ordinance granting an exemption under this section shall be adopted in the same manner as any other ordinance of the county or municipality and shall include the following:

(a) The name and address of the new business or expansion of an existing business to which the exemption is granted;

(b) The total amount of revenue available to the county or municipality from ad valorem tax sources for the current fiscal year, the total amount of revenue lost to the county or municipality for the current fiscal year by virtue of economic development ad valorem tax exemptions currently in effect, and the estimated revenue loss to the county or municipality for the current fiscal year attributable to the exemption of the business named in the ordinance;

(c) The period of time for which the exemption will remain in effect and the expiration date of the exemption; and

(d) A finding that the business named in the ordinance meets the requirements of s. 196.012(15) or (16).

Section 6. Subsection (2) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.--

(2) It shall be the responsibility of Enterprise Florida, Inc., to aggressively market Florida's rural communities, distressed urban communities,

brownfields, and enterprise zones as locations for potential new investment, to aggressively assist in the retention and expansion of existing businesses in these communities, and to aggressively assist these communities in the identification and development of new economic development opportunities for job creation, fully marketing state incentive programs such as the Qualified Target Industry Tax Refund Program under s. 288.106 and the Quick Action Closing Fund under s. 288.1088 in economically distressed areas.

Section 7. Section 376.80, Florida Statutes, is amended to read:

376.80 Brownfield program administration process.--

(1) A local government with jurisdiction over the brownfield area must notify the department of its decision to designate a brownfield area for rehabilitation for the purposes of ss. 376.77-376.85. The notification must include a resolution, by the local government body, to which is attached a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041, except that the notice for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2. For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66, except that the notice for the public hearings on the proposed resolution shall be in the form established in s. 125.66(4)(b)2.

(2)(a) If a local government proposes to designate a brownfield area that is outside community redevelopment areas, enterprise zones, empowerment zones, closed military bases, or designated brownfield pilot project areas, the local government must conduct at least one public hearing in the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns. Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing. In determining the areas to be designated, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;

2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;

3. Whether the area has potential to interest the private sector in participating in rehabilitation; and

4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;

2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 ~~10~~ new permanent jobs at the brownfield site~~, whether full-time or part-time,~~ which are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and which are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment agreement required under paragraph (5)(i). However, the job-creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004(3) or the creation of recreational areas, conservation areas, or parks;

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

(c) The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review the proposed redevelopment agreement required pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement;

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was,

to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department;

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules;

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action;

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents;

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation;

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.85, and that will improve or enhance the brownfield site rehabilitation process;

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials; and

(i) Certification that an agreement exists between the person responsible for brownfield site rehabilitation and the local government with jurisdiction over the brownfield area. Such agreement shall contain terms for the redevelopment of the brownfield area.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

(a) Meets all certification and license requirements imposed by law; and

(b) Has obtained the necessary approvals for conducting sample collection and analyses pursuant to department rules.

(7) The contractor who is performing the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of s. 489.113(9) must certify to the department that the contractor:

(a) Complies with applicable OSHA regulations.

(b) Maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law.

(c) Maintains comprehensive general liability coverage with limits of not less than $1 million per occurrence and $2 million general aggregate for bodily injury and property damage and comprehensive automobile liability coverage with limits of not less than $2 million combined single limit. The contractor shall also maintain pollution liability coverage with limits of not less than $3 million aggregate for personal injury or death, $1 million per occurrence for personal injury or death, and $1 million per occurrence for property damage. The contractor's certificate of insurance shall name the state as an additional insured party.

(d) Maintains professional liability insurance of at least $1 million per claim and $1 million annual aggregate.

(8) Any professional engineer or geologist providing professional services relating to site rehabilitation program tasks must carry professional liability insurance with a coverage limit of at least $1 million.

(9) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(10) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(11) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfields program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

(a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfields program; and

(b) Provide for the enforcement of the requirements of the delegated brownfields program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfields program as established by the act and the relevant rules and other criteria of the department.

(12) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

Section 8. Subsection (1) of section 376.86, Florida Statutes, is amended to read:

376.86 Brownfield Areas Loan Guarantee Program.--

(1) The Brownfield Areas Loan Guarantee Council is created to review and approve or deny by a majority vote of its membership, the situations and circumstances for participation in partnerships by agreements with local governments, financial institutions, and others associated with the redevelopment of brownfield areas pursuant to the Brownfields Redevelopment Act for a limited state guaranty of up to 5 years of loan guarantees or loan loss reserves issued pursuant to law. The limited state loan guaranty applies only to 50 ~~10~~ percent of the primary lenders loans for redevelopment projects in brownfield areas. If the redevelopment project is for affordable housing, as defined in s. 420.0004(3), in a brownfield area, the limited state loan guaranty applies to 75 percent of the primary lender's loan. A limited state guaranty of private loans or a loan loss reserve is authorized for lenders licensed to operate in the state upon a determination by the council that such an arrangement would be in the public interest and the likelihood of the success of the loan is great.

Section 9. Sections 376.87 and 376.875, Florida Statutes, are repealed.

Section 10. Paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.--

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish

such purposes, the Office of Tourism, Trade, and Economic Development shall:

(f)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund ~~and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund~~ to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

Section 11. 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 the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

Rep. Needelman moved the adoption of the amendment.

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

Representative(s) Peterman offered the following:

(Amendment Bar Code: 248401)

Amendment 1 to Amendment 1—Between lines 407 and 408 insert:
Tax credit applications claiming costs pursuant to this paragraph shall not be subject to the calendar-year limitation and January 15 annual application deadline, and the department shall accept a one-time application filed subsequent to the completion by the tax credit applicant of the applicable requirements listed in this paragraph.

Rep. Peterman 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.

REPRESENTATIVE RUSSELL IN THE CHAIR

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

HB 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.;

requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

The Health & Families Council recommended the following:

HB 7141 CS—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of "clinic"; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—was read the second time by title.

Representative(s) Benson offered the following:

(Amendment Bar Code: 846491)

Amendment 1—Remove line(s) 290-302 and insert:
(3) An inspection fee must be paid as required in authorizing statutes.
(4) Fees are nonrefundable.
(5) When a change is reported that requires issuance of a license, a fee may be assessed. The fee must be based on the actual cost of processing and issuing the license.
(6) A fee may be charged to a licensee requesting a duplicate license. The fee may not exceed the actual cost of duplication and postage.
(7) Total fees collected may not exceed the cost of

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

Representative(s) Kreegel offered the following:

(Amendment Bar Code: 067069)

Amendment 2—Remove line(s) 951-954 and insert:
(i) Entities that provide ~~only~~ oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

Rep. Kreegel moved the adoption of the amendment.

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

Representative(s) Kreegel offered the following:

(Amendment Bar Code: 697233)

Substitute Amendment 2—Remove line(s) 951-954 and insert:
(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

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

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

Consideration of **HB 7159** was temporarily postponed.

HB 817—A bill to be entitled An act relating to telecommunications carriers of last resort; amending s. 364.025, F.S.; providing definitions; providing that a telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the telecommunications carrier to notify the commission when it is relieved of the obligation to provide service; providing an effective date.

The Commerce Council recommended the following:

HB 817 CS—A bill to be entitled An act relating to telecommunications services; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; amending s. 364.051, F.S., relating to price regulation; allowing certain local exchange telecommunications companies to publish terms, conditions, and rates for nonbasic services in lieu of maintaining tariffs with the Public Service Commission; revising the notice requirement for price changes to nonbasic services; removing a provision that allows a company to elect that its basic services be subject to the same regulatory treatment as its nonbasic services; providing for a request from a company to the Public Service Commission to make certain reductions in its retail service quality requirements; revising criteria for granting a petition to change regulatory treatment of retail services; providing effective dates.

—was read the second time by title.

Representative(s) Murzin offered the following:

(Amendment Bar Code: 603517)

Amendment 1—Remove lines 120-121 and insert:
(f) This subsection does not affect the limitations on the jurisdiction of the commission imposed by s. 364.011 or s. 364.013.

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

Representative(s) Murzin offered the following:

(Amendment Bar Code: 559749)

Amendment 2 (with title amendment)—Remove lines 132-133 and insert:
~~15 days'~~ notice, the rate for each of its nonbasic services. For a company electing to publicly publish the terms, conditions, and rates for each of its nonbasic services, the commission may establish guidelines for the publication. The guidelines may not require more information than what is required to be filed with a tariff. The~~, except that a~~ price increase for any nonbasic service category

======== T I T L E A M E N D M E N T ========
Remove line(s) 25 and insert:
Public Service Commission; providing for guidelines for the publication; revising the notice requirement

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

Representative(s) Murzin offered the following:

(Amendment Bar Code: 984917)

Amendment 3 (with directory and title amendments)—Remove lines 237-238 and insert:
Section 3. This act shall take effect upon becoming a law.

==== D I R E C T O R Y A M E N D M E N T ====
Remove line(s) 122-123 and insert:
Section 2. Subsections (5), (6), and (7) of section 364.051, Florida

======== T I T L E A M E N D M E N T ========
Remove line 34 and insert:
an effective date.

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

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

THE SPEAKER IN THE CHAIR

HB 683—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; conforming a cross-reference; requiring the state land planning agency to initiate rulemaking by a specific date to revise the development-of-regional-impact review process; requiring a local government to issue development orders concurrently with comprehensive plan amendments; specifying certain requirements for a development order; prohibiting a local government from issuing permits for development subsequent to the buildout date; revising the circumstances in which a local government may issue subsequent permits for development; revising the definition of an essentially built-out development; prohibiting the suspension of a development order for failure to submit a biennial report under certain circumstances; revising the criteria under which a proposed change is presumed to create a substantial deviation; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; requiring that a memorandum of notice of certain changes be filed with the clerk of court; revising the period of time for notice and a public hearing after a change to a development order has been submitted; revising the requirement for further development-of-regional-impact review of a proposed change; revising the statutory exemptions for the development of certain facilities; providing statutory exemptions for the development of certain facilities; providing that the impacts from a use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; amending s. 380.0651, F.S.; removing the application of statewide guidelines and standards for development-of-regional-impact review to the construction of certain attractions and recreation facilities; revising the statewide guidelines and standards for development-of-regional-impact review of the construction of certain marinas; removing the application of statewide guidelines and standards for development-of-regional-impact review to the construction of certain schools; prohibiting the state land planning agency from considering an impact of an independent development of regional impact cumulatively under certain circumstances; amending s. 380.07, F.S.; providing a mechanism for challenging the consistency of a development order with a local government comprehensive plan; providing that the Department of Community Affairs has standing to initiate an action to determine the consistency of a development order with a local government comprehensive plan; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; amending ss. 163.3180 and 331.303, F.S.; conforming cross-references; providing an effective date.

The State Infrastructure Council recommended the following:

HB 683 CS—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; encouraging local governments to adopt recreational surface water use policies; providing criteria and exemptions for such policies; authorizing assistance for the development of such policies; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; revising a provision relating to the amount of transferrable land use credits; amending s.

163.3180, F.S.; conforming a cross-reference; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral for working waterfront properties; including public lodging establishments in the description of working waterfront properties; amending s. 342.07, F.S.; adding recreational activities as an important state interest; including public lodging establishments within the definition of the term "recreational and commercial working waterfront"; creating s. 373.4132, F.S.; directing water management district governing boards and the Department of Environmental Protection to require permits for certain activities relating to certain dry storage facilities; providing criteria for application of such permits; preserving regulatory authority for the department and governing boards; amending s. 380.06, F.S.; providing for the state land planning agency to determine the amount of development that remains to be built in certain circumstances; specifying certain requirements for a development order; revising the circumstances in which a local government may issue permits for development subsequent to the buildout date; revising the definition of an essentially built-out development; revising the criteria under which a proposed change constitutes a substantial deviation; providing criteria for calculating certain deviations; clarifying the criteria under which the extension of a buildout date is presumed to create a substantial deviation; requiring that notice of any change to certain set-aside areas be submitted to the local government; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; revising the statutory exemptions from development-of-regional-impact review for certain facilities; removing waterport and marina developments from development-of-regional-impact review; providing statutory exemptions and partial statutory exemptions for the development of certain facilities; providing that the impacts from an exempt use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; providing that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of office developments; deleting such guidelines and standards for port facilities; revising such guidelines and standards for residential developments; providing such guidelines and standards for workforce housing; amending s. 380.07, F.S.; revising the appellate procedures for development orders within a development of regional impact to the Florida Land and Water Adjudicatory Commission; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; providing a process for the rescission of a development order by the local government in certain circumstances; providing an exemption for certain applications for development approval and notices of proposed changes; amending s. 403.813, F.S.; revising permitting exceptions for the construction of private docks in certain waterways; providing an effective date.

—was read the second time by title.

Representative Traviesa offered the following:

(Amendment Bar Code: 350969)

Amendment 1 (with title amendment)—Between lines 77 and 78 insert:

Section 1. Subsection (11) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.--

(11) Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of each county where a party to the agreement is located. However, if the parties to the agreement are located in multiple counties and the agreement under subsection (7) provides for a separate legal entity or administrative entity to administer the agreement, the interlocal agreement and any amendments thereto may be filed with the clerk of the circuit court in the county where the legal or administrative entity maintains its principal place of business.

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

Remove line 6 and insert:

163.01, F.S.; revising provisions for filing certain interlocal agreements and amendments; amending s. 163.3177, F.S.; encouraging local governments to adopt

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

Representative Traviesa offered the following:

(Amendment Bar Code: 643229)

Amendment 2 (with title amendment)—Between lines 392 and 393 insert:

Section 4. Section 336.68, Florida Statutes, is created to read:

336.68 Special road and bridge district boundaries; property owner rights and options.--

(1) The owner of real property located within both the boundaries of a community development district created under chapter 190 and within the boundaries of a special road and bridge district created by the alternative method of establishing special road and bridge districts previously authorized under ss. 336.61-336.67 shall have the option to select the community development district to be the provider of the road and drainage improvements to the property of the owner. Having made the selection, the property owner shall further have the right to withdraw the property from the boundaries of the special road and bridge district under the procedures set forth in this section.

(2) To be eligible for withdrawal, the subject property shall not have received improvements or benefits from the special road and bridge district; there shall be no outstanding bonded indebtedness of the special road and bridge district for which the property is subject to ad valorem tax levies; and the withdrawal of the property shall not create an enclave bounded on all sides by the other property within the boundaries of the district when the property owner withdraws the property from the boundaries of the district.

(3) The election by a property owner to withdraw property from the boundaries of a district as described in this section shall be accomplished by filing a certificate in the official records of the county in which the property is located. The certificate shall identify the name and mailing address of the owner, the legal description of the property, the name of the district from which the property is being withdrawn, and the general location of the property within district. The certificate shall further state that the property has not received benefits from the district from which the property is to be withdrawn; that there is no bonded indebtedness owed by the district; and that the property being withdrawn will not become an enclave within the district boundaries.

(4) The property owner shall provide copies of the recorded certificate to the governing body of the district from which the property is being withdrawn within days 10 days after the date that the certificate is recorded. If the district does not record an objection to the withdrawal of the property in the public records within 30 days after the recording of the certificate identifying the criteria in this section that has not been met, the withdrawal shall be final and the property shall be permanently withdrawn from the boundaries of the district.

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

Remove line 18 and insert:

waterfront properties; creating s. 336.68, F.S.; authorizing certain real property owners to select a community development district to provide road and drainage improvements; authorizing certain real property owners to withdraw from a community development district; providing eligibility requirements; requiring that a certificate be filed for such withdrawal; providing requirements and procedures therefor; amending s. 342.07, F.S.; adding

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

Representative Traviesa offered the following:

(Amendment Bar Code: 412215)

Amendment 3 (with title amendment)—Remove lines 418 through 420 and insert:
property that provide access for water-dependent commercial activities, including hotels and motels as defined in s. 509.242(1), or provide access for the public to

======== T I T L E A M E N D M E N T ========
Remove lines 16 through 20 and insert:
waterfront properties; amending s. 342.07, F.S.; including hotels and motels within the

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

Representative Traviesa offered the following:

(Amendment Bar Code: 495081)

Amendment 4—Remove line 1062 and insert:
units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to

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

Representative Kendrick offered the following:

(Amendment Bar Code: 735405)

Amendment 5 (with directory and title amendments)—Between lines 1253 and 1254 insert:
(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.--
(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in which the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government prior to or at the public hearing pertaining to abandonment of the development of regional impact. The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order shall not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The rules shall also provide a procedure for filing notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Any decision by a local government concerning the abandonment of a development of regional impact shall be subject to an appeal pursuant to s. 380.07. The issues in any such appeal shall be confined to whether the provisions of this subsection or any rules promulgated thereunder have been satisfied.
(b) Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural county of economic concern which was approved prior to the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice. All development following abandonment shall be fully consistent with the current comprehensive plan and applicable zoning.

==== D I R E C T O R Y A M E N D M E N T ====
Remove line 456 and insert:
and (i) of subsection (4), and subsections (15), (19), (24), and (26)

======== T I T L E A M E N D M E N T ========
Remove line 55 and insert:
certain projects; revising provisions for the abandonment of developments of regional impact; providing an exemption from such provisions for certain developments of regional impact; providing requirements for developments following abandonment; amending s. 380.0651, F.S.; revising the

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

Representative Traviesa offered the following:

(Amendment Bar Code: 709797)

Amendment 6—Remove lines 1361 through 1364 and insert:
county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

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

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

Recognition Ceremony

The Speaker recognized Rep. Detert to approach the well, where she gave brief remarks in recognition of Speaker pro tempore Leslie Waters. On behalf of the Women's Caucus, Rep. Detert presented a gift to Speaker pro tempore Leslie Waters. Speaker pro tempore Leslie Waters then gave brief remarks from the well.

Remarks

Representative Detert: Thank you, Mr. Speaker. Congratulations, Mr. Speaker, this morning on your presentation of your photo. I think we're all touched by that, but as the women of the House sit and look all around, of course, we're happy to see your photo and we're also happy to see your younger photo of the red tie over there, but what we don't see up here are any pictures of any women. And, today we'd like to celebrate our favorite female leader, Speaker pro tem, Leslie Waters. Speaker pro tem Waters is not only one of the greatest Republican team players, but as we all know, she is the team cheerleader. We all know the "Waters Wave" and I think we should do it now. I just have one little quote. Abe Lincoln said, "Nearly all men can stand adversity, but if you want a test of a man's character, give him power," and I think what my friend, Leslie Waters, did with her power was to use it wisely and use it to help others. All of the women here are here to celebrate you. We've always appreciated all of the help you've given us. You used your power not only wisely, but kindly, and we are here to celebrate your service. You are a very dear friend of mine. Anybody that's on my speed-dial phone, which is only like twelve people, and you're one of them, and I appreciate all of the advice you've given me, and all of the help you've given me over the years and I think all the rest of the women do also. You've been a great supporter of the women's caucus and we really appreciate you, and so does the Speaker and the other members of the House, and thanks to the Speaker and the other members, we would like to present you with a couple of small

gifts. First of all, roll the film of the Segway that we all chipped in and bought for her. Since women only make ninety-seven cents on a dollar, we couldn't afford the Corvette. We got the two-wheeler bike for you, but seriously, here are a couple of wonderful gifts for you.

Speaker pro tempore Waters: Well, thank you very much, members. This is quite a surprise! Good golly, look at this little unity here with the ladies of the House, and perhaps we should put my Glamour Shot right up there. I see a real convenient spot. This House is better because we have ladies such as up front here. It's been an honor to be in the Caucus, of course, and it's been an honor to be your Speaker pro tem. Thank you.

Recognition Ceremony

Representative Sobel: Thank you, Leslie, for those very kind words. This experience leading the Women's Caucus has truly been a labor of love. Each one of you has an opinion. You are very diverse and somehow or other, we have a lot in common and that's what it's about. Finding that commonality that we can work together, and we did find that, and I want to thank each and every one of you who also helped with the health fair last year. The first Women's Health Fair was the largest health fair that we had, and we had Cheryl Hines from "Curb Your Enthusiasm," and thank you to the staff who also helped tremendously, especially Kathleen Teague, who came around and, really, it was an amazing event and most people find that they learned a lot about their health and the disparity in women's health. So I thank each and every one of you and I hope you will continue doing what we have started, what Representative Waters, and myself, Speaker pro temp, and Representative Detert have done to keep this alive. I also want to thank Representative Joyner, who also worked to incorporate us as a 501(c)3 with the new lobby law, we're looking to change to a 501(c)4, so we can keep it going and good luck to each and every one of you. Thank you.

Speaker Bense: If I could add something before you disperse, ladies, a couple more things before you disperse. Holly, if you could hold on. It's been my honor to have Leslie Waters be my Speaker pro tem, and when I asked her last summer or fall, or whenever, if she would consider being my Speaker pro tem, she said, "Yes," and I don't think I could have made a better choice. She's loyal, she's articulate, she's a friend, and it doesn't get any better. So, Speaker pro tem, I love you. We're a good team. The Bense-Waters team.

REPRESENTATIVE RUSSELL IN THE CHAIR

Consent Calendar

HB 23—A bill to be entitled An act relating to bicycle safety; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle equipment requirements; providing penalties for violations; providing for dismissal of a first offense; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 23 CS—A bill to be entitled An act relating to bicycle safety; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle equipment requirements; providing penalties for violations; providing for dismissal of a first offense; providing an effective date.

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

Session Vote Sequence: 918

Representative Russell in the Chair.

Yeas—119

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	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	

Nays—None

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

HB 67—A bill to be entitled An act relating to automated external defibrillator devices; amending s. 401.107, F.S.; defining the terms "youth athletic organization" and "automated external defibrillator device"; amending s. 401.111, F.S.; providing for grants to youth athletic organizations for automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions; providing an effective date.

The Health & Families Council recommended the following:

HB 67 CS—A bill to be entitled An act relating to automated external defibrillator devices; providing a short title; amending s. 401.107, F.S.; defining the terms "youth athletic organization" and "automated external defibrillator device"; amending s. 401.111, F.S.; providing for grants to youth athletic organizations for automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; providing an effective date.

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

Session Vote Sequence: 919

Representative Russell in the Chair.

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Farkas

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

HB 93—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing that it is a first degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; authorizing a local government to adopt an ordinance to license, permit, or inspect automated external defibrillators; providing for enforcement of such local ordinances; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillators under certain conditions; providing an effective date.

The Health & Families Council recommended the following:

HB 93 CS—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining the terms "automated external defibrillator" and "defibrillation"; providing that it is a first degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; providing penalties and an exception; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; providing an effective date.

—was read the second time by title.

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

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 297935)

Amendment 1 (with title amendment)—Between line(s) 72 and 73, insert:

Section 3. Paragraph (b) of subsection (2) of section 768.1325, Florida Statutes, is amended to read:

768.1325 Cardiac Arrest Survival Act; immunity from civil liability.--

(2) As used in this section:

(b) "Automated external defibrillator device" means a <u>lifesaving</u> defibrillator device that:

1. Is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act.

2. Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed.

3. Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

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

Remove line(s) 18 and insert:

the Cardiac Arrest Survival Act; amending s. 768.1325, F.S.; revising the definition of the term "automated external defibrillator"; providing an effective

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

On motion by Rep. Henriquez, the rules were waived and HB 93 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 920

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 111 was taken up. On motion by Rep. Anderson, the rules were waived and CS for SB 274 was substituted for HB 111. Under Rule 5.14, the House bill was laid on the table.

CS for SB 274—A bill to be entitled An act relating to defibrillators in state parks; creating s. 258.0165, F.S.; encouraging state parks to have a functioning automated external defibrillator; requiring training, maintenance, and location registration; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Division of Recreation and Parks to adopt rules; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 921

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Henriquez

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

HB 133—A bill to be entitled An act relating to student voter education; encouraging district school boards and county supervisors of elections jointly to provide a program of voter education for high school seniors; providing guidelines for the content of the educational program; requiring that the program of voter education be conducted during school hours; providing an effective date.

The Ethics & Elections Committee recommended the following:

HB 133 CS—A bill to be entitled An act relating to student voter education; authorizing district school boards and county supervisors of elections to cooperate to provide a program of voter education for high school seniors; providing guidelines for the content of the educational program; requiring that the program of voter education be conducted during school hours; providing an effective date.

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

Session Vote Sequence: 922

Representative Russell in the Chair.

Yeas—119

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	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	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—Russell

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

HB 275—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program to reimburse foster parents, residential facilities, or foster children who live independently a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in cost; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date each year of the pilot program; providing an appropriation; providing an effective date.

The Future of Florida's Families Committee recommended the following:

HB 275 CS—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program to reimburse foster parents, residential facilities, or foster children who live independently a portion of the increased costs of motor vehicle insurance for a foster child

who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in cost; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date each year of the pilot program; providing an appropriation; providing for apportionment of the appropriation; providing an effective date.

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

Session Vote Sequence: 923

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 283—A bill to be entitled An act relating to correctional probation officers; creating s. 943.17001, F.S.; requiring the Department of Corrections to provide a standardized firearm and ammunition to correctional probation officers; providing rulemaking authority of the department; providing an effective date.

The Criminal Justice Appropriations Committee recommended the following:

HB 283 CS—A bill to be entitled An act relating to correctional probation officers; creating s. 943.17001, F.S.; requiring the Department of Corrections to provide a standardized firearm and ammunition to correctional probation officers; providing rulemaking authority of the department; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 924

Representative Russell in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Hukill, Kreegel, Williams

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

HB 513—A bill to be entitled An act relating to career and professional academies; creating s. 1003.493, F.S.; defining the term "career and professional academy"; providing academy goals and duties; providing types of career and professional academies; providing for the approval of career education courses as core curricula courses under certain circumstances; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; providing eligibility criteria for such designation; providing duties of school districts and the department; providing for the award to certain school districts of startup funds for the development of CHOICE academies; creating s. 1003.495, F.S.; requiring the department to establish a comprehensive career academy project to provide for the designation of comprehensive career academies; providing duties of the department; providing for assessment of academies; amending s. 1003.43, F.S.; requiring district school board student progression plans to provide for the substitution of certain courses for credit requirements for high school graduation; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; providing an effective date.

The Community Colleges & Workforce Committee recommended the following:

HB 513 CS—A bill to be entitled An act relating to career and professional academies; creating s. 1003.493, F.S.; defining "career and professional academy"; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining "CHOICE academy" and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; providing an effective date.

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

Session Vote Sequence: 925

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Evers

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

HB 585—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; authorizing the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; authorizing rulemaking; providing intent; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 585 CS—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing intent; providing an effective date.

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

Session Vote Sequence: 926

Representative Russell in the Chair.

Yeas—118

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

Nays—2

Bucher Vana

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

HB 587—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to provide the type of license under which he or she is operating in health care advertisements and in professional relationships with patients constitutes grounds for disciplinary action; providing exceptions; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 587 CS—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to identify the type of license under which he or she is practicing constitutes grounds for disciplinary action; providing exceptions; authorizing certain entities to determine compliance with a disclosure requirement; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

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

Session Vote Sequence: 927

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 639—A bill to be entitled An act relating to building designations; designating a building in Lee County as the Joseph P. D'Alessandro Office Complex; directing the Department of Management Services to erect suitable markers; providing an effective date.

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

Session Vote Sequence: 928

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Evers

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

HB 849—A bill to be entitled An act relating to regulation of court interpreters; requiring the Supreme Court to establish standards and procedures for qualifications, certification, conduct, discipline, and training of appointed court interpreters; authorizing the Supreme Court to set fees for certification applications; specifying the use and deposit of such fees; authorizing the Supreme Court to appoint or employ personnel for certain administration assistance purposes; providing an effective date.

The Justice Council recommended the following:

HB 849 CS—A bill to be entitled An act relating to regulation of foreign language court interpreters; requiring the Supreme Court to establish standards and procedures for qualifications, certification, conduct, discipline, and training of appointed foreign language court interpreters; requiring the Supreme Court to set fees for certification applications; specifying the use and deposit of such fees; authorizing the Supreme Court to appoint or employ personnel for certain administration assistance purposes; providing an effective date.

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

Session Vote Sequence: 929

Representative Russell in the Chair.

Yeas—119

Adams	Brummer	Gannon	Jordan
Allen	Brutus	Garcia	Joyner
Altman	Bucher	Gelber	Justice
Ambler	Bullard	Gibson, A.	Kendrick
Anderson	Cannon	Gibson, H.	Kottkamp
Antone	Carroll	Glorioso	Kravitz
Arza	Clarke	Goldstein	Kreegel
Attkisson	Coley	Goodlette	Kyle
Ausley	Cretul	Gottlieb	Legg
Barreiro	Culp	Grant	Littlefield
Baxley	Cusack	Greenstein	Llorente
Bean	Davis, D.	Grimsley	Lopez-Cantera
Bendross-Mindingall	Davis, M.	Harrell	Machek
Bense	Dean	Hasner	Mahon
Benson	Detert	Hays	Mayfield
Berfield	Domino	Henriquez	McInvale
Bilirakis	Evers	Holloway	Meadows
Bogdanoff	Farkas	Homan	Mealor
Bowen	Fields	Hukill	Murzin
Brandenburg	Flores	Jennings	Needelman
Brown	Galvano	Johnson	Negron

Patterson	Rice	Sands	Stargel
Peterman	Richardson	Sansom	Taylor
Pickens	Rivera	Seiler	Traviesa
Planas	Robaina	Simmons	Troutman
Poppell	Roberson	Slosberg	Vana
Porth	Ross	Smith	Waters
Proctor	Rubio	Sobel	Williams
Quinones	Russell	Sorensen	Zapata
Reagan	Ryan	Stansel	

Nays—None

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

HB 1033—A bill to be entitled An act relating to child abuse; amending ss. 39.001 and 39.201, F.S.; requiring all Department of Children and Family Services employees and persons in specified occupation categories assigned to report, manage, or supervise cases of child abuse, abandonment, and neglect to annually complete a continuing education course; providing an effective date.

The Health & Families Council recommended the following:

HB 1033 CS—A bill to be entitled An act relating to child abuse; requiring the Office of Program Policy Analysis and Government Accountability to evaluate compliance with continuing education requirements for professionals required to provide their names when reporting child abuse, neglect, or abandonment; requiring a report to the Governor and Legislature; requiring the Department of Health to make available a curriculum; providing an effective date.

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

Session Vote Sequence: 930

Representative Russell in the Chair.

Yeas—119

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	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	

Nays—1

Sorensen

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

HB 1039—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; revising the reporting requirements for the interagency committee; providing an effective date.

The State Resources Council recommended the following:

HB 1039 CS—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases and imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; providing an effective date.

—was read the second time by title.

Representative Machek offered the following:

(Amendment Bar Code: 876823)

Amendment 1 (with title amendments)—Between lines 203 and 204 insert:

Section 3. Fran Reich Preserve designated; South Florida Water Management District to erect suitable markers.--

(1) The Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District is designated the "Fran Reich Preserve."

(2) The South Florida Water Management District is directed to erect suitable markers designating the Fran Reich Preserve as described in subsection (1).

======== 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 the planned east coast buffer water resources management plan of the South Florida Water Management District; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases and imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the Fran Reich Preserve; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

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

On motion by Rep. Garcia, the rules were waived and HB 1039 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 931

Representative Russell in the Chair.

Yeas—119

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

Nays—1

Bucher

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

HB 1097—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing that a custodian of a public record or an agency head may designate another officer or employee of the agency to permit the inspection and copying of public records; providing that the identity of the designee must be disclosed to the public; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; correcting cross-references; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 1097 CS—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; requiring an agency head who appoints a designee to act as a custodian of public records to provide notice to the public of such designation; providing notice requirements; prohibiting a person who is not a custodian of public records or a designee from denying the existence of a record or misleading anyone as to the existence of a record; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; correcting cross-references; providing an effective date.

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

Session Vote Sequence: 932

Representative Russell in the Chair.

Yeas—117

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

Nays—1

Sorensen

Votes after roll call:
Yeas—Clarke, Cretul
Yeas to Nays—Cretul
Nays to Yeas—Cretul

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

HB 1113—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; revising certain fingerprinting requirements; providing an effective date.

The State Administration Appropriations Committee recommended the following:

HB 1113 CS—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; providing additional requirements for applications for certain licenses; requiring applicants to submit fingerprints and pay a processing fee; providing for fingerprints to be taken by a designated examination center; requiring the Department of Financial Services to require designated examination centers to have fingerprinting equipment and take fingerprints; prohibiting the department from approving licensure applications without submitted fingerprints; amending s. 626.211, F.S.; deleting a prohibition against the department denying, delaying, or withholding approval of applications lacking a criminal history report; revising circumstances under which the department must notify an applicant about examinations; amending s. 626.221, F.S.; expanding the authorized adjuster designations for exemptions from adjuster license examinations; amending s. 626.231, F.S.; providing authorization and procedures for applying on the department's Internet website to take a licensure examination prior to applying for licensure; specifying required application information; requiring an application disclosure statement; requiring payment of an

examination fee with an application; amending s. 626.241, F.S.; providing for application of certain examination provisions to certain persons; creating s. 626.2415, F.S.; requiring the department to annually prepare, publicly announce, and publish reports of certain examination statistical information; providing report requirements; authorizing the department to provide certain contracted testing service providers with certain demographic application information under certain circumstances; amending s. 626.251, F.S.; requiring the department to provide certain information to examination applicants; amending s. 626.261, F.S.; specifying required conduct for examination applicants; amending s. 626.281, F.S.; applying reexamination provisions to examination applicants; amending s. 626.291, F.S.; requiring the department to issue a license for certain applicants after the department approves the application; specifying a period of validity of a passing examination grade; prohibiting the department from issuing a license based on an examination taken more than 1 year prior to filing an application; providing appropriations; authorizing additional positions; providing effective dates.

—was read the second time by title.

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

Representative(s) Lopez-Cantera offered the following:

(Amendment Bar Code: 930953)

Amendment 1—Remove line 141 and insert:
the Professional Career Institute, Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, or Certified Claims Adjuster

Rep. Lopez-Cantera moved the adoption of the amendment, which was adopted.

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

Representative(s) Lopez-Cantera offered the following:

(Amendment Bar Code: 035201)

Amendment 2—Remove line(s) 215-221, and insert:
information relating to each life insurance test form administered during the preceding calendar year. The report shall show, for each test form, for all examinees combined and separately for African-American examinees, white examinees, American Indian examinees, Asian examinees, Hispanic examinees, and other examinees, the correct-answer rates and correlations.

Rep. Lopez-Cantera moved the adoption of the amendment, which was adopted.

On motion by Rep. Lopez-Cantera, the rules were waived and HB 1113 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 933

Representative Russell in the Chair.

Yeas—120

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

Nays—None

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

HB 1129—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; requiring that undesignated campaign funds be shared proportionally by the participating charitable organizations based on the percentage of designations in each fiscal agent area; removing the fiscal agent's right to select the steering committee members; providing an effective date.

The State Administration Council recommended the following:

HB 1129 CS—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; requiring that undesignated campaign funds be shared proportionally by the participating charitable organizations with certain identified programs in this state based on the percentage of designations in each fiscal agent area; removing the fiscal agent's right to select the steering committee members; providing an effective date.

—was read the second time by title.

Representative Henriquez offered the following:

(Amendment Bar Code: 843127)

Amendment 1 (with directory and title amendments)—Remove lines 22-33 and insert:
each fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds remaining after partial distribution pursuant to s. 110.181(2)(e). The committee shall be composed of state employees selected by the fiscal agent from among recommendations provided by interested participating organizations, if any, and approved by the Statewide Steering Committee.

(e) Participating charitable organizations that provide direct services in a local fiscal agent's area shall receive the same percentage of undesignated funds as the percentage of designated funds they receive. The undesignated funds remaining following allocation to these charitable organizations shall be distributed by the local steering committee.

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

Remove line 18 and insert:
110.181, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

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

Remove lines 7-13 and insert:

Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; distributing the funds proportionately to such charities based upon their percentage of designations in each fiscal agent area; providing an effective date.

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

On motion by Rep. Henriquez, the rules were waived and HB 1129 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 934

Representative Russell in the Chair.

Yeas—119

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

Nays—None

Abstain From Voting

Voting on this measure has the potential to inure to my special private gain, due to the fact that I have a financial relationship with one of the participating charitable organizations.

Rep. Dick Kravitz
District 19

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

HB 1139—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, 558.004, and 558.005, F.S.; revising provisions to expand application to construction defects in any property; deleting language limiting application to only residential property; providing an effective date.

The Justice Council recommended the following:

HB 1139 CS—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, and 558.004, F.S.; revising provisions to expand application to construction defects in any property other than public transportation projects; deleting language limiting application to only residential property; amending s. 558.005, F.S.; revising provisions relating to required notices for construction defect claims under certain construction contracts; applying provisions of ch. 558, F.S., notwithstanding certain notice requirements; providing an effective date.

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

Session Vote Sequence: 935

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Greenstein

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

HB 1157—A bill to be entitled An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

The Health Care Regulation Committee recommended the following:

HB 1157 CS—A bill to be entitled An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the

use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on periodontal probe use in dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

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

Session Vote Sequence: 936

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

Consideration of **HB 1231** was temporarily postponed.

HB 1247—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; requiring the agency to seek federal approval and implement the approved waiver in the General Appropriations Act; providing an appropriation; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 1247 CS—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; requiring the agency to seek federal approval and implement the approved waiver in the General Appropriations Act, subject to certain limitations; providing an effective date.

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

Session Vote Sequence: 937

Representative Russell in the Chair.

Yeas—119

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	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	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—Russell

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

HB 1269—A bill to be entitled An act relating to local occupational license taxes; amending ch. 205, F.S., consisting of ss. 205.013-205.1973, F.S.; changing the term "local occupational license tax" to "business tax"; defining the term "certificate" as it relates to business taxes; amending provisions to conform; providing an effective date.

The Local Government Council recommended the following:

HB 1269 CS—A bill to be entitled An act relating to local occupational license taxes; amending ch. 205, F.S., consisting of ss. 205.013-205.1973, F.S.; changing the term "local occupational license tax" to "local business tax"; defining the term "receipt" as it relates to business taxes; amending provisions to conform; providing an effective date.

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

Session Vote Sequence: 938

Representative Russell in the Chair.

Yeas—119

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

Nays—None

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

HB 1325—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.02, F.S.; defining the term "clandestine laboratory"; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting refusal to insure or cancellation of life or health insurance policies or certificates of specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; amending ss. 465.016, 465.023, 856.015, 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming cross-references; providing an effective date.

The Justice Council recommended the following:

HB 1325 CS—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting refusal to issue a life insurance policy to or refusal to cancel or nonrenew life or health insurance policies or certificates of insurance providing coverage to specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; providing an effective date.

—was read the second time by title.

Representative Culp offered the following:

(Amendment Bar Code: 053471)

Amendment 1 (with title amendment)—Remove lines 73-136 and insert:

Section 3. Section 627.4107, Florida Statutes, is created to read:

627.4107 Government employees exposed to toxic drug chemicals; cancellation of life or health policy or certificate prohibited.--No life or health insurer may cancel or nonrenew a life or health insurance policy or certificate of insurance providing coverage to a state or local law enforcement officer as defined in s. 943.10, firefighter as defined in s. 633.30, emergency medical technician as defined in s. 401.23, or paramedic as defined in s. 401.23, a volunteer firefighter engaged by state or local government, a law enforcement officer employed by the Federal Government, or any other local, state, or Federal Government employee solely based on the fact that the individual has been exposed to toxic chemicals or suffered injury or disease as a result of the individual's lawful duties arising out of the commission of a violation of chapter 893 by another person. This section does not apply to any person who commits an offense under chapter 893. This section does not prohibit an insurer from canceling or nonrenewing an insurance policy or certificate, as permitted under the applicable state insurance code, based on an act or practice of the policyholder or certificateholder that constitutes fraud or intentional misrepresentation of material fact by the policyholder or certificateholder.

Section 4. Paragraph (a) of subsection (4) of section 907.041, Florida Statutes, is amended, and paragraph (l) is added to that subsection, to read:

907.041 Pretrial detention and release.--

(4) PRETRIAL DETENTION.--

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;
2. Aggravated assault;
3. Aggravated battery;
4. Illegal use of explosives;
5. Child abuse or aggravated child abuse;
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
7. Aircraft piracy;
8. Kidnapping;
9. Homicide;
10. Manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
16. Burglary of a dwelling;
17. Stalking and aggravated stalking;
18. Act of domestic violence as defined in s. 741.28;
19. Home invasion robbery;
20. Act of terrorism as defined in s. 775.30; ~~and~~
21. Manufacturing any substances in violation of chapter 893; and
22.~~21.~~ Attempting or conspiring to commit any such crime.

(l) The Legislature finds that a person who manufactures any substances in violation of chapter 893 poses a threat of harm to the community and that the factual circumstances of such a crime indicate a disregard for the safety of the community. The court shall order pretrial detention if the court finds that there is a substantial probability that a defendant charged with manufacturing any substances in violation of chapter 893 committed such a crime and if the court finds that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons.

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

Remove lines 13-20 and insert:

specified individuals; creating s. 627.4107, F.S.; prohibiting cancellation or nonrenewal of life or health insurance policies or certificates of insurance providing coverage to specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; permitting cancellations or nonrenewals for specified fraud or misrepresentation;

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

On motion by Rep. Culp, the rules were waived and HB 1325 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 939

Representative Russell in the Chair.

Yeas—119

Adams	Cusack	Hukill	Proctor
Allen	Davis, D.	Jennings	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	

Nays—None

Votes after roll call:
Yeas—Antone

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

HB 1327—A bill to be entitled An act relating to transition services for adolescents and young adults with disabilities; creating the Jacksonville Health and Transition Services Pilot Program; assigning the program for administrative purposes to Children's Medical Services in the Department of Health; providing purposes of the program; delineating the target population; describing participating service providers and the services that they are to provide; providing for the design and implementation of a comprehensive evaluation of the pilot program; providing an appropriation; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 1327 CS—A bill to be entitled An act relating to transition services for adolescents and young adults with disabilities; creating the Jacksonville Health and Transition Services Pilot Program; assigning the program for administrative purposes to the Children's Medical Services program in the Department of Health; providing purposes of the pilot program; providing for the development of collaborative partnerships with certain entities; delineating the target population; describing participating service providers and the services that they are to provide; providing for the design and implementation of a comprehensive evaluation of the pilot program; providing a contingent effective date.

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

Session Vote Sequence: 940

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1351—A bill to be entitled An act relating to construction contracting; amending s. 489.113, F.S.; providing a condition under which a person may engage in the business of contracting without certification or registration; amending s. 489.117, F.S.; providing a condition under which a person may provide certain specialty contracting services without a license; providing an effective date.

The Commerce Council recommended the following:

HB 1351 CS—A bill to be entitled An act relating to contracting; amending s. 489.503, F.S.; exempting nationally recognized testing laboratories from certain electrical and alarm system contracting provisions; amending s. 489.505, F.S.; providing a definition; amending ss. 489.128 and 489.532, F.S.; providing that individuals performing certain construction contracting work, certain business organizations entering into construction

contracts, or individuals performing certain electrical and alarm system contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; providing an effective date.

—was read the second time by title.

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

Representative(s) Reagan offered the following:

(Amendment Bar Code: 034157)

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

Section 1. Subsection (5) is added to section 489.516, Florida Statutes, to read:

489.516 Qualifications to practice; restrictions; prerequisites.--

(5) Notwithstanding any other provision to the contrary, a certified electrical contractor, registered alarm system contractor I, registered alarm system contractor II, or alarm system contractor I or alarm system contractor II that is a certified alarm system contractor is exempt from any local law, local ordinance, or local code that requires a contractor to be listed or placarded by a nationally recognized testing laboratory or to be certified by any regionally or nationally recognized certification organization. However, a county, municipality, or special district may require any such electrical contractor or alarm system contractor to provide, at the final inspection of a fire alarm system, the documentation required by NFPA No. 72, "National Fire Alarm Code," for installation and monitoring. This subsection does not prohibit a county, municipality, or special district from requiring compliance with the Florida Fire Prevention Code or with NFPA No. 72.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 489.128, Florida Statutes, are amended to read:

489.128 Contracts entered into by unlicensed contractors unenforceable.--

(1) As a matter of public policy, contracts entered into on or after October 1, 1990, by an unlicensed contractor shall be unenforceable in law or in equity by the unlicensed contractor.

(a) For purposes of this section, an individual is unlicensed if the individual does not have a license required by this part concerning the scope of the work to be performed under the contract. A business organization is unlicensed if the business organization does not have a primary or secondary qualifying agent in accordance with this part concerning the scope of the work to be performed under the contract. For purposes of this section, if no state or local license is required for the scope of work to be performed under the contract, the individual performing that work shall not be considered unlicensed.

(b) For purposes of this section, an individual or business organization may ~~shall~~ not be considered unlicensed for failing to have an occupational license certificate issued under the authority of chapter 205. A business organization may ~~shall~~ not be considered unlicensed for failing to have a certificate of authority as required by ss. 489.119 and 489.127. For purposes of this section, a business organization entering into the contract may not be considered unlicensed if, before the date established by paragraph (c), an individual possessing a license required by this part concerning the scope of the work to be performed under the contract has submitted an application for a certificate of authority designating that individual as a qualifying agent for the business organization entering into the contract, and the application was not acted upon by the department or applicable board within the time limitations imposed by s. 120.60.

Section 3. Subsections (21) and (22) are added to section 489.503, Florida Statutes, to read:

489.503 Exemptions.--This part does not apply to:

(21) Alarm system inspections, audits, or quality assurance services performed by a nationally recognized testing laboratory that the Occupational Safety and Health Administration has recognized as meeting the requirements of 29 C.F.R. s. 1910.7.

(22) Any person who installs or repairs lightning rods or related systems.

Section 4. Subsections (2), (7), (25), (27), and (28) of section 489.505, Florida Statutes, are amended, and subsection (29) is added to that section, to read:

489.505 Definitions.--As used in this part:

(2) "Alarm system contractor" means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes. This term also means any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract; that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of alarm contracting; or that by itself or by or through others engages in the business of alarm contracting.

(a) "Alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes.

(b) "Alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as herein provided.

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS) ~~77 volts~~, when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

(25) "Burglar alarm system agent" means a person:

(a) Who is employed by a licensed alarm system contractor or licensed electrical contractor;

(b) Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling ~~onsite~~, or monitoring an intrusion or burglar alarm system for compensation.

(27) "Monitoring" means to receive electrical or electronic signals~~,~~ originating from any structure ~~building~~ within the state or outside the state, regardless of whether those signals are relayed through a jurisdiction outside the state, where such signals are~~,~~ produced by any security, medical, fire, or burglar alarm, closed circuit television camera, access-control system, or related or similar protective system and are intended by design to initiate a response thereto. A person shall not have committed the act of monitoring if:

(a) The person is an occupant of, or an employee working within, protected premises;

(b) The person initiates emergency action in response to hearing or observing an alarm signal;

(c) The person's action is incidental to his or her primary responsibilities; and

(d) The person is not employed in a proprietary monitoring facility, as defined by the National Fire Protection Association pursuant to rule adopted under chapter 633.

(28) "Fire alarm system agent" means a person:

(a) Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;

(b) Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling ~~onsite~~, or monitoring a fire alarm system for compensation.

(29) "Nationally recognized testing laboratory" means an organization that the Occupational Safety and Health Administration has legally recognized to be in compliance with 29 C.F.R. s. 1910.7 and that provides quality assurance, product testing, or certification services.

Section 5. Subsection (1) of section 489.513, Florida Statutes, is amended to read:

489.513 Registration; application; requirements.--

(1) Any person engaged in the business of contracting in the state shall be registered in the proper classification~~,~~ unless he or she is certified. Any person desiring to be a registered contractor shall apply to the department for registration and must:~~.~~

(a) Be at least 18 years old;

(b) Be of good moral character; and

(c) Meet eligibility requirements according to the following criteria:

1. As used in this subsection, the term "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for state and federal law.

2. The board may determine that an individual applying for registration is ineligible due to failure to satisfy the requirement of good moral character only if:

a. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor; and

b. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

3. When an individual is found to be unqualified because of lack of good moral character, the board must furnish such individual a statement containing the findings of the board, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and an appeal.

Section 6. Section 489.529, Florida Statutes, is amended to read:

489.529 Alarm verification calls required.--All residential or commercial intrusion/burglary alarms that have central monitoring must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch. The central monitoring station must employ call-verification methods for the premises generating the alarm signal if the first call is not answered. However, if the intrusion/burglary alarms have properly operating visual or auditory sensors that enable the monitoring personnel to verify the alarm signal, verification calling is not required.

Section 7. Section 489.530, Florida Statutes, is amended to read:

489.530 Audible alarms.--Every audible alarm system installed by a licensed contractor shall have a device to automatically terminate the audible signal within 15 minutes of activation. A fire alarm system, whether installed voluntarily or as a requirement of an adopted code, which employs an audible fire signal is exempt as required by such code.

Section 8. Paragraph (a) of subsection (1) of section 489.532, Florida Statutes, is amended to read:

489.532 Contracts entered into by unlicensed contractors unenforceable.--

(1) As a matter of public policy, contracts entered into on or after October 1, 1990, by an unlicensed contractor shall be unenforceable in law or in equity by the unlicensed contractor.

(a) For purposes of this section, an individual is unlicensed if the individual does not have a license required by this part concerning the scope of the work to be performed under the contract. A business organization is unlicensed if the business organization does not have a primary or secondary qualifying agent in accordance with this part concerning the scope of the work to be performed under the contract. For purposes of this section, if no state or local license is required for the scope of work to be performed under the contract, the individual performing that work shall not be considered unlicensed.

Section 9. Sections 2 and 8 are intended to be remedial in nature and to clarify existing law. Sections 2 and 8 shall apply retroactively to all actions, including any action on a lien or bond claim, initiated on or after, or pending as of, July 1, 2006. If the retroactivity of any provision of section 2 or section 8 or its retroactive application to any person or circumstance is held invalid, the invalidity does not affect the retroactivity or retroactive application of other provisions of sections 2 and 8.

Section 10. 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 contracting; amending s. 489.516, F.S.; exempting certain electrical and alarm system contractors from ordinances or codes of local governments or special districts requiring various types of recognition by certain national entities; authorizing local governments or special districts to require such contractors to provide certain documentation at the final inspection of an alarm system; reserving the authority of local governments and special districts to require compliance with the Florida Fire Prevention Code and NFPA No. 72; amending ss. 489.128 and 489.532, F.S.; providing that individuals performing certain construction contracting or electrical and alarm system contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; amending s. 489.503, F.S.; exempting nationally recognized testing laboratories and persons who install or repair lightning rods from certain alarm system contracting provisions; amending s. 489.505, F.S.; revising definitions; defining the term "nationally recognized testing laboratory"; amending s. 489.513, F.S.; providing eligibility requirements for registering with the Department of Business and Professional Regulation as an electrical contractor or alarm system contractor; amending s. 489.529, F.S.; requiring a central monitoring station to employ call-verification methods under certain circumstances; amending s. 489.530, F.S.; exempting a fire alarm system from the requirement that it have a device that automatically terminates its audible signal after a certain period; providing an effective date.

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

On motion by Rep. Reagan, the rules were waived and HB 1351 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 941

Representative Russell in the Chair.

Yeas—120

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

Vana Waters Williams Zapata

Nays—None

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

Consideration of **HB 1357** was temporarily postponed.

HB 1361—A bill to be entitled An act relating to insurance; creating s. 624.6086, F.S.; defining the term "debt cancellation agreement and debt suspension agreement contractual liability insurance"; amending ss. 627.553 and 627.679, F.S.; revising certain limitations on certain amounts of life insurance on a debtor; providing an effective date.

The Commerce Council recommended the following:

HB 1361 CS—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; including debt cancellation products within the definition of the term "casualty insurance"; describing debt cancellation products; authorizing certain entities to offer debt cancellation products under certain circumstances; specifying such products as not constituting insurance; amending ss. 627.553 and 627.679, F.S.; revising certain limitations on certain amounts of life insurance on a debtor; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; providing an effective date.

—was read the second time by title.

Representative Brown offered the following:

(Amendment Bar Code: 775501)

Amendment 1 (with title amendment)—Remove lines 20-77 and insert:

Section 1. Paragraph (r) is added to subsection (1) of section 624.605, Florida Statutes, to read:

624.605 "Casualty insurance" defined.--

(1) "Casualty insurance" includes:

(r) Insurance for debt cancellation products.--Insurance that a creditor may purchase against the risk of financial loss from the use of debt cancellation products with consumer loans or leases or retail installment contracts.

1. For purposes of this paragraph, debt cancellation products, including, but not limited to, debt cancellation contracts, debt suspension agreements, and guaranteed asset protection contracts, are loan or lease or retail installment contract terms under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified adverse events.

2. Debt cancellation products may be offered by financial institutions, as defined in s. 655.005(1)(h), and including insured depository institutions, as defined in 12 U.S.C. s. 1813(c), and subsidiaries thereof, as provided in the Financial Institution Codes, or Motor Vehicle Retail Installment Sellers, as defined in s. 520.02(15) or Retail Lessors, as defined in s. 521.003(8), Florida Statutes, and such products shall not constitute insurance for purposes of the Florida Insurance Code.

Section 2. Subsection (3) of section 627.553, Florida Statutes, is amended to read:

627.553 Debtor groups.--The lives of a group of individuals may be insured under a policy issued to a creditor or its parent holding company, or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee or trustees, or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors, subject to the following requirements:

(3) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by her or him which is repayable in installments to the creditor ~~or $50,000, whichever is less, except that loans not exceeding 1 year's duration shall not be subject to such limits~~. ~~However, on such loans not exceeding 1 year's duration, the limit of coverage shall not exceed $50,000 with any one insurer.~~

Section 3. Paragraph (b) of subsection (1) of section 627.679, Florida Statutes, is amended to read:

627.679 Amount of insurance; disclosure.--

(1)

(b) The total amount of credit life insurance on the life of any debtor with respect to any loan or loans covered in one or more insurance policies shall at no time exceed the amount of the indebtedness ~~$50,000 with any one creditor, except that loans not exceeding 1 year's duration shall not be subject to such limits, and on such loans not exceeding 1 year's duration, the limits of coverage shall not exceed $50,000 with any one insurer~~.

Section 4. Paragraph (n) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.--

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.--The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(n) Free insurance prohibited.--

1. Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.

2. For the purposes of this paragraph, "free" insurance is:

a. Insurance for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.

b. Insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.

3. Subparagraphs 1. and 2. do not apply to:

a. Insurance of, loss of, or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor.

b. Blanket disability insurance as defined in s. 627.659.

c. Credit life insurance or credit disability insurance.

d. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business.

e. Title insurance.

f. Any purchase agreement involving the purchase of a cemetery lot or lots in which, under stated conditions, any balance due is forgiven upon the death of the purchaser.

g. Life insurance, trip cancellation insurance, or lost baggage insurance offered by a travel agency as part of a travel package offered by and booked through the agency.

4. Using the word "free" or words which imply the provision of insurance without a cost to describe life or disability insurance, in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

h. Insurance covering property, other than real property or motor vehicles, if the person paying for the insurance:

(I) Has an ongoing contractual interest in the property; or

(II) Requires the property to deliver its services.

Section 5. Subsection (2) of section 627.681, Florida Statutes, is amended to read:

627.681 Term and evidence of insurance.--

(2) The term of credit disability insurance on any debtor insured under this section shall not exceed the term of indebtedness ~~10 years, and for credit transactions that exceed 60 months, coverage shall not exceed 60 monthly indemnities~~.

Section 6. Section 627.902, Florida Statutes, is amended to read:

627.902 Premium financing by an insurer or subsidiary.--

(1) An insurer, a subsidiary of an insurer, or a corporation under substantially the same management or control as an authorized insurer or group of authorized insurers may finance property, casualty, surety, and marine insurance premiums on policies issued or business produced by such insurer or insurers; however, any such insurer, subsidiary, or corporation or group of insurers that charges a total service charge per year or rate of interest which is substantially more than that provided in s. 627.901 shall be

subject to part XV of this chapter. Notwithstanding any other provision of law, an insurer, a subsidiary of an insurer, or a corporation under substantially the same management or control as an authorized insurer or group of authorized insurers may charge one-half of the additional charge provided in s. 627.840, and the charges provided in s. 627.841.

(2) Nothing in this part or in part XV shall disallow or otherwise apply to a discount for those who pay the entire premium for the entire policy term at the inception of the term if the discount is found to be actuarially justified by the office and approved by the office pursuant to the provisions of part I of this chapter. Such actuarially justified and approved discount shall not be deemed a component of or related to premium financing.

Section 7. Section 628.511, Florida Statutes, is amended to read:

628.511 Clearing corporations ~~Book entry accounting system~~.--

(1) The purpose of this section is to authorize domestic insurers to utilize modern systems for holding and transferring securities without physical delivery of securities certificates, subject to appropriate rules of the commission.

(2) The following terms are defined for use in this section:

(a) "Securities" means instruments as defined in s. 678.1021.

(b) "Clearing corporation" means a clearing corporation as defined in s. 678.1021. The term "clearing corporation" also includes "treasury/reserve automated debt entry securities system" and "treasury direct" book-entry securities systems as established pursuant to 31 U.S.C. ss. 3100 et seq., 12 U.S.C. 391 and 5 U.S.C. 301.

(c) "Custodian" ~~"Direct participant"~~ means a national bank, state bank or trust company, or broker or dealer that ~~which maintains an account in its name in a clearing corporation and through which an insurance company~~ participates in a clearing corporation.

~~(d) "Federal Reserve book-entry system" means the computerized systems sponsored by the United States Department of the Treasury and agencies and instrumentalities of the United States for holding and transferring securities of the United States Government and such agencies and instrumentalities, respectively, in Federal Reserve banks through banks which are members of the Federal Reserve System or which otherwise have access to such computerized systems.~~

~~(e) "Member bank" means a national bank, state bank or trust company which is a member of the Federal Reserve System and through which an insurer participates in the Federal Reserve book-entry system.~~

(3) Notwithstanding any other provision of law, a domestic insurer may deposit or arrange for the deposit of securities held in or purchased for its general account and its separate accounts in a clearing corporation ~~or in the Federal Reserve book-entry system~~. When securities are deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one or more certificates of larger denominations. The records of any custodian ~~bank~~ through which an insurer holds securities ~~in the Federal Reserve book-entry system, and the records of any custodian banks through which an insurer holds securities~~ in a clearing corporation, shall at all times show that such securities are held for such insurer and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation ~~or in the Federal Reserve book-entry system~~ without~~, in either case,~~ physical delivery of certificates representing such securities.

(4) The commission may adopt rules governing the deposit by insurers of securities with clearing corporations ~~and in the Federal Reserve book-entry system~~.

Section 8. Section 655.947, Florida Statutes, is created to read:

655.947 Debt cancellation products.--

(1) Debt cancellation products, including, but not limited to, debt cancellation contracts, debt suspension agreements, and guaranteed asset protection contracts, are loan or lease contract terms, or modifications to loan or lease contracts, under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified events. Debt cancellation products may be offered, and a fee charged, by financial institutions and their subsidiaries subject to the provisions of this section. As used in this section, the term "financial institutions" includes those as defined in s. 655.005(1)(h) and insured depository institutions as defined in 12 U.S.C. s. 1813.

(2) The commission shall adopt rules to administer this section, such rules shall be consistent with 12 CFR Part 37, as amended.

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

Remove line 16 and insert:

insurance; amending s. 626.9541, F.S.; relating to unfair methods of competition and unfair or deceptive acts or practices; exempting, from the prohibition on free insurance, insurance covering property other than real property or motor vehicles under specified circumstances; amending 627.681, F.S.; revising a provision relating to the term and evidence of insurance; amending s. 627.902, F.S.; exempting certain lump-sum premium payments from provisions relating to premium financing; amending s. 628.511, F.S.; revising the definitions of the terms "clearing corporation" and "custodian"; deleting definitions of the terms "book entry system" and "member bank"; conforming changes; amending s. 655.947, F.S.; providing what constitutes a debt cancellation product; providing a definition; providing an effective date.

Rep. Brown moved the adoption of the amendment.

Representative(s) Brown and Seiler offered the following:

(Amendment Bar Code: 306919)

Substitute Amendment 1 (with directory and title amendments)—Remove lines 20-77 and insert:

Section 1. Paragraph (r) is added to subsection (1) of section 624.605, Florida Statutes, to read:

624.605 "Casualty insurance" defined.--

(1) "Casualty insurance" includes:

(r) Insurance for debt cancellation products.--Insurance that a creditor may purchase against the risk of financial loss from the use of debt cancellation products with consumer loans or leases or retail installment contracts.

1. For purposes of this paragraph, debt cancellation products, including, but not limited to, debt cancellation contracts, debt suspension agreements, and guaranteed asset protection contracts, are loan or lease or retail installment contract terms, or modifications to loan, lease, or retail installment contracts, under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified events.

2. Debt cancellation products may be offered by financial institutions, as defined in s. 655.005(1)(h), and including insured depository institutions, as defined in 12 U.S.C. s. 1813(c), and subsidiaries thereof, as provided in the Financial Institution Codes, or Motor Vehicle Retail Installment Sellers, as defined in s. 520.02(15) or Retail Lessors, as defined in s. 521.003(8), Florida Statutes, and such products shall not constitute insurance for purposes of the Florida Insurance Code.

Section 2. Subsection (3) of section 627.553, Florida Statutes, is amended to read:

627.553 Debtor groups.--The lives of a group of individuals may be insured under a policy issued to a creditor or its parent holding company, or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee or trustees, or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors, subject to the following requirements:

(3) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by her or him which is repayable in installments to the creditor ~~or $50,000, whichever is less, except that loans not exceeding 1 year's duration shall not be subject to such limits. However, on such loans not exceeding 1 year's duration, the limit of coverage shall not exceed $50,000 with any one insurer.~~

Section 3. Paragraph (b) of subsection (1) of section 627.679, Florida Statutes, is amended to read:

627.679 Amount of insurance; disclosure.--

(1)

(b) The total amount of credit life insurance on the life of any debtor with respect to any loan or loans covered in one or more insurance policies shall at no time exceed the amount of the indebtedness ~~$50,000 with any one creditor, except that loans not exceeding 1 year's duration shall not be subject to such limits, and on such loans not exceeding 1 year's duration, the limits of coverage shall not exceed $50,000 with any one insurer~~.

Section 4. Subsection (2) of section 627.681, Florida Statutes, is amended to read:

627.681 Term and evidence of insurance.--

(2) The term of credit disability insurance on any debtor insured under this section shall not exceed the term of indebtedness ~~10 years, and for credit transactions that exceed 60 months, coverage shall not exceed 60 monthly indemnities~~.

Section 5. Section 627.902, Florida Statutes, is amended to read:

627.902 Premium financing by an insurer or subsidiary.--

(1) An insurer, a subsidiary of an insurer, or a corporation under substantially the same management or control as an authorized insurer or group of authorized insurers may finance property, casualty, surety, and marine insurance premiums on policies issued or business produced by such insurer or insurers; however, any such insurer, subsidiary, or corporation or group of insurers that charges a total service charge per year or rate of interest which is substantially more than that provided in s. 627.901 shall be subject to part XV of this chapter. Notwithstanding any other provision of law, an insurer, a subsidiary of an insurer, or a corporation under substantially the same management or control as an authorized insurer or group of authorized insurers may charge one-half of the additional charge provided in s. 627.840, and the charges provided in s. 627.841.

(2) Nothing in this part or in part XV shall disallow or otherwise apply to a discount for those who pay the entire premium for the entire policy term at the inception of the term if the discount is found to be actuarially justified by the office and approved by the office pursuant to the provisions of part I of this chapter. Such actuarially justified and approved discount shall not be deemed a component of or related to premium financing.

Section 6. Section 628.511, Florida Statutes, is amended to read:

628.511 Clearing corporations ~~Book entry accounting system~~.--

(1) The purpose of this section is to authorize domestic insurers to utilize modern systems for holding and transferring securities without physical delivery of securities certificates, subject to appropriate rules of the commission.

(2) The following terms are defined for use in this section:

(a) "Securities" means instruments as defined in s. 678.1021.

(b) "Clearing corporation" means a clearing corporation as defined in s. 678.1021. The term "clearing corporation" also includes "treasury/reserve automated debt entry securities system" and "treasury direct" book-entry securities systems as established pursuant to 31 U.S.C. ss. 3100 et seq., 12 U.S.C. 391 and 5 U.S.C. 301.

(c) "Custodian" ~~"Direct participant"~~ means a national bank, state bank or trust company, or broker or dealer that ~~which maintains an account in its name in a clearing corporation and through which an insurance company~~ participates in a clearing corporation.

~~(d) "Federal Reserve book-entry system" means the computerized systems sponsored by the United States Department of the Treasury and agencies and instrumentalities of the United States for holding and transferring securities of the United States Government and such agencies and instrumentalities, respectively, in Federal Reserve banks through banks which are members of the Federal Reserve System or which otherwise have access to such computerized systems.~~

~~(e) "Member bank" means a national bank, state bank or trust company which is a member of the Federal Reserve System and through which an insurer participates in the Federal Reserve book-entry system.~~

(3) Notwithstanding any other provision of law, a domestic insurer may deposit or arrange for the deposit of securities held in or purchased for its general account and its separate accounts in a clearing corporation ~~or in the Federal Reserve book-entry system~~. When securities are deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one or more certificates of larger denominations. The records of any custodian ~~bank~~ through which an insurer holds securities ~~in the Federal Reserve book-entry system, and the records of any custodian banks through which an insurer holds securities~~ in a clearing corporation, shall at all times show that such securities are held for such insurer and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation ~~or in the Federal Reserve book-entry system~~ without~~, in either case,~~ physical delivery of certificates representing such securities.

(4) The commission may adopt rules governing the deposit by insurers of securities with clearing corporations ~~and in the Federal Reserve book-entry system~~.

Section 7. Section 655.947, Florida Statutes, is created to read:

655.947 Debt cancellation products.--

(1) Debt cancellation products, including, but not limited to, debt cancellation contracts, debt suspension agreements, and guaranteed asset protection contracts, are loan or lease contract terms, or modifications to loan or lease contracts, under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified events. Debt cancellation products may be offered, and a fee charged, by financial institutions and their subsidiaries subject to the provisions of this section. As used in this section, the term "financial institutions" includes those as defined in s. 655.005(1)(h) and insured depository institutions as defined in 12 U.S.C. s. 1813.

(2) The commission shall adopt rules to administer this section, such rules shall be consistent with 12 CFR Part 37, as amended.

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

Remove line 16 and insert:

insurance; amending 627.681, F.S.; revising a provision relating to the term and evidence of insurance; amending s. 627.902, F.S.; exempting certain lump-sum premium payments from provisions relating to premium financing; amending s. 628.511, F.S.; revising the definitions of the terms "clearing corporation" and "custodian"; deleting definitions of the terms "book entry system" and "member bank"; conforming changes; amending s. 655.947, F.S.; providing what constitutes a debt cancellation product; providing a definition; providing an effective date.

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

On motion by Rep. Brown, the rules were waived and HB 1361 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 942

Representative Russell in the Chair.

Yeas—117

Adams	Bilirakis	Davis, M.	Goldstein
Allen	Bogdanoff	Dean	Goodlette
Altman	Bowen	Detert	Grant
Ambler	Brandenburg	Domino	Greenstein
Anderson	Brown	Evers	Grimsley
Antone	Brummer	Farkas	Harrell
Arza	Brutus	Fields	Hasner
Attkisson	Bullard	Flores	Hays
Ausley	Cannon	Galvano	Henriquez
Barreiro	Carroll	Gannon	Holloway
Baxley	Clarke	Garcia	Homan
Bean	Coley	Gardiner	Hukill
Bendross-Mindingall	Cretul	Gelber	Jennings
Bense	Culp	Gibson, A.	Johnson
Benson	Cusack	Gibson, H.	Jordan
Berfield	Davis, D.	Glorioso	Joyner

Justice
Kendrick
Kottkamp
Kravitz
Kreegel
Kyle
Legg
Littlefield
Llorente
Lopez-Cantera
Machek
Mahon
Mayfield
McInvale
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Richardson
Rivera
Robaina
Roberson
Ross
Rubio
Russell
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—1

Bucher

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

HB 1369—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public-records requirements for information contained in materials relating to rejected bids, negotiations, and proposals received by a state agency; requiring that the information remain confidential until the agency provides notice of a decision or withdraws its invitation to bid, invitation to negotiate, or request for proposals; providing for future legislative review and repeal of such exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 1369 CS—A bill to be entitled An act relating to public records and public meetings; amending s. 119.071, F.S.; creating a temporary exemption from public records requirements for rejected bids and proposals received by a state agency if the agency reissues the invitation to bid or request for proposals; providing for review and repeal; providing a statement of public necessity; creating a temporary exemption from public records requirements for a competitive sealed reply in response to an invitation to negotiate; providing an extension of the temporary exemption if the agency reissues the invitation to negotiate; providing for review and repeal; providing a statement of public necessity; amending s. 286.0113, F.S.; creating an exemption from public meetings requirements for a meeting at which negotiation with a vendor is conducted; requiring a recording of the meeting; temporarily exempting the recording from disclosure; providing an extension of the temporary exemption under specified circumstances; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

Session Vote Sequence: 943

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Poppell

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate after engrossment.

HB 1373—A bill to be entitled An act relating to supplemental educational services; providing for student access to and provider accountability for supplemental educational services in Title I schools; providing definitions; providing responsibilities of the Department of Education, local educational agencies, providers of supplemental educational services, and parents to provide additional academic instruction designed to increase the academic achievement of eligible students; providing criteria that must be met by a provider approved by the department; providing for department monitoring and evaluation of provider performance; providing a complaint process for determination of provider and local educational agency compliance with law; providing an effective date.

The Education Council recommended the following:

HB 1373 CS—A bill to be entitled An act relating to supplemental educational services; requiring the Department of Education to establish a committee of practitioners; providing for appointments and authority; authorizing incentives for student performance or attendance and establishing limits; establishing responsibilities of school districts and providers; providing requirements for school district and provider compliance; providing penalties for noncompliance; authorizing application for reallocation of funds and providing for appeal; authorizing adoption of rules and providing for enforcement; providing an effective date.

—was read the second time by title.

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 292765)

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

Section 1. Supplemental educational services in Title I schools; school district and provider responsibilities.--

(1) INCENTIVES.--A provider or school district may not provide incentives to entice a student or a student's parent to choose a provider. After

a provider has been chosen, the student may be awarded incentives for performance or attendance, the total value of which may not exceed $50 per student per year.

(2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.--

(a) School districts must create a streamlined parent enrollment and provider selection process for supplemental educational services and ensure that the process enables eligible students to begin receiving supplemental educational services no later than October 15 of each school year.

(b) Supplemental educational services enrollment forms must be made freely available to the parents of eligible students and providers both prior to and after the start of the school year.

(c) School districts must provide notification to parents of students eligible to receive supplemental educational services prior to and after the start of the school year. Notification shall include contact information for state-approved providers as well as the enrollment form, clear instructions, and timeline for the selection of providers and commencement of services.

(d) State-approved supplemental educational services providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date.

(e) In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.

(f) Each provider shall create a specific learning plan for each student that shall be approved by the student's parents. The development of this learning plan shall occur after the tutoring program has begun and after the provider's assessment of the student's academic needs.

(g) A school district must hold open student enrollment for supplemental educational services unless or until it has obtained a written election to receive or reject services from parents in accordance with paragraph (3)(a).

(h) School districts, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for supplemental educational services.

(3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.--

(a) Compliance is met when the school district has obtained a written election to receive or reject services from the parents of at least 80 percent of the students receiving free or reduced-price lunch in Title I schools that are eligible for parental choice of transportation or supplemental educational services unless a waiver is granted by the State Board of Education. Standard of compliance shall be known as the Suwannee/Jefferson factor. A waiver shall only be granted if there is clear and convincing evidence of the district's efforts to secure parents' written election. Requirements for parental election to receive supplemental educational services shall not exceed the election requirements for the free and reduced-price lunch program.

(b) A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

(4) REALLOCATION OF FUNDS.--If a school district has not spent the required supplemental educational services set-aside funding, the district may apply to the Department of Education after January 1 for authorization to reallocate the funds. If the Commissioner of Education does not approve the reallocation of funds, the district may appeal to the State Board of Education. The State Board of Education must consider the appeal within 60 days of its receipt and the decision of the state board shall be final.

(5) RULES.--The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32, Florida Statutes.

Section 2. The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the Commissioner of Education and shall annually report to the Governor, the President of Senate, and the Speaker of the House of Representatives by January 1. The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.

Section 3. 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 supplemental educational services; providing requirements with respect to the awarding of incentives; authorizing incentives for student performance or attendance and establishing limits; establishing responsibilities of school districts and supplemental educational services providers; providing requirements for school district and provider compliance; providing penalties for noncompliance; authorizing application for reallocation of funds and providing for appeal; authorizing adoption of rules and providing for enforcement; requiring the Department of Education to establish a committee of practitioners; providing for appointment and authority; providing an effective date.

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

On motion by Rep. Attkisson, the rules were waived and HB 1373 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 944

Representative Russell in the Chair.

Yeas—117

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

Nays—2

Bucher Vana

Votes after roll call:

Yeas—Brandenburg

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

HB 1409—A bill to be entitled An act relating to the Florida Health Information Network, Inc.; creating s. 408.064, F.S.; providing a short title and purpose; requiring the Agency for Health Care Administration to develop and implement a plan for the formation and operation of a health information network; requiring the agency to enter into a contract to implement the plan; creating the Florida Health Information Network, Inc., as a not-for-profit corporation; providing for a board of directors and for terms thereof; providing duties and responsibilities of the corporation; requiring a report to the Governor and Legislature; providing an appropriation; providing an effective date.

The Health & Families Council recommended the following:

HB 1409 CS—A bill to be entitled An act relating to the Florida Health Information Network, Inc.; creating s. 408.064, F.S.; providing a short title and purpose; requiring the Agency for Health Care Administration to develop and implement a plan for the formation and operation of a health information network; requiring the agency to enter into a contract to implement the plan; creating the Florida Health Information Network, Inc., as a not-for-profit corporation; providing for a board of directors and for terms thereof; providing duties and responsibilities of the corporation; requiring a report to the Governor and Legislature; providing conditions for funding of the network; providing an effective date.

—was read the second time by title.

Representative(s) Benson offered the following:

(Amendment Bar Code: 694101)

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

Section 1. Section 408.064, Florida Statutes, is created to read:

408.064 Florida Health Information Network Act; purpose; duties.--

(1) This section may be cited as the "Florida Health Information Network Act."

(2) It is the intent of the Legislature that the state shall promote the establishment of a privacy-protected and secure integrated statewide network for the communication of electronic health information among authorized parties and to foster a coordinated public-private initiative for the development and operation of Florida's health information infrastructure.

(3) The agency is responsible for promoting the development of a health information network as a public-private partnership among the state's providers, payors, consumers, employers, public health officials, medical researchers, and other health care stakeholders. The agency shall develop a plan and performance standards for the formation and operation of a health information network and shall contract with the Florida Health Information Network, Inc., for the purpose of implementing the plan, consistent with the performance standards for the period July 1, 2006, through June 30, 2008.

(4) There is created a not-for-profit corporation, to be known as the "Florida Health Information Network, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the following members:

(a) The Secretary of Health Care Administration or the secretary's designee.

(b) The Secretary of Health or the secretary's designee.

(c) The Secretary of Elderly Affairs or the secretary's designee.

(d) Twelve members from the private or public sector, seven of whom shall be appointed by the Governor, two of whom shall be appointed by the President of the Senate, two of whom shall be appointed by the Speaker of the House of Representatives, and one member who shall be appointed by the Chief Financial Officer. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, the Speaker of the House of Representatives, or the Chief Financial Officer, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired. Members shall be appointed for terms of 4 years. Any member is eligible for reappointment. A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

(5) The Florida Health Information Network, Inc., shall:

(a) Institute a statewide health information network in the state by:

1. Devising and implementing a strategic plan for infrastructure development and periodically evaluating and modifying that plan.

2. Developing and maintaining the technical infrastructure necessary to perform the functions of the network consistent with the strategic plan.

3. Promoting an integrated approach to efforts to create a secure network for communication of electronic health information in the state.

4. Marketing the network to promote widespread use of the network.

5. Assisting in the development and expansion of existing local or regional health information networks and the creation of new networks.

(b) Develop and implement specific programs or strategies that address the creation, development, and expansion of regional or local health information networks and the recruitment of participants in the network.

(c) Specify standards among regional and local health information networks and other participants in the Florida Health Information Network, Inc., to promote effective statewide and interstate interoperability.

(d) Regularly assess the adoption of electronic health records systems and utilization of the statewide network by providers, consumers, public health officers, and other health care stakeholders to identify and regularly reevaluate the state's health information infrastructure strengths and weaknesses, assess opportunities to increase consumer access to the consumer's health records, and incorporate such information into its regular strategic planning process.

(e) Develop and enforce privacy, security, operational, and technical standards among regional and local health information networks to ensure effective statewide privacy, data security, efficiency, and interoperability across networks. The network's standards shall be guided by reference to widely adopted standards or standards accepted by recognized national standard-setting organizations.

(f) Develop annual budgets that include funding from public and private entities, including user fees.

(g) Take commercially reasonable measures to protect its intellectual property, including obtaining patents, trademarks, and copyrights where appropriate.

(h) Make recommendations for reform of the state's laws regarding medical records and the collection of medical records data.

(6) The agency shall review the data gathered about the Florida Health Information Network, Inc., pursuant to paragraph (5)(d) and make recommendations for its continued development in a report to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 1, 2007.

(7) Upon dissolution of the Florida Health Information Network, Inc., all assets shall revert to the state and funds shall revert to the General Revenue Fund.

Section 2. The Florida Health Information Network, Inc., may be funded through the General Appropriations Act and may seek funding through public and private entities to accomplish its goals and duties. Appropriations for the Agency for Health Care Administration's Florida Health Information Network grants program shall not be used to fund the Florida Health Information Network, Inc.

Section 3. 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 the Florida Health Information Network, Inc.;creating s. 408.064, F.S.; providing a short title; providing legislative intent; requiring the Agency for Health Care Administration to develop and implement a plan for the formation and operation of a health information network; requiring the agency to enter into a contract to implement the plan; creating the Florida Health Information Network, Inc., as a not-for-profit corporation; providing for a board of directors; providing for appointment of board members;

providing for terms; providing duties and responsibilities of the corporation; requiring a report to the Governor and Legislature; providing for certain funds and assets to revert to the state upon dissolution of the network; providing conditions for funding of the network; providing an effective date.

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

On motion by Rep. Benson, the rules were waived and HB 1409 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 945

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1411—A bill to be entitled An act relating to public records; creating s. 408.0641, F.S.; providing an exemption from public records requirements for patient medical or health records, trade secrets, and certain other information that is confidential or exempt contained in records of the Florida Health Information Network, Inc.; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

The Health & Families Council recommended the following:

HB 1411 CS—A bill to be entitled An act relating to public records; creating s. 408.0641, F.S.; providing an exemption from public records requirements for patient medical or health records, trade secrets, and certain other information that is confidential or exempt contained in records of the Florida Health Information Network, Inc.; providing an exception to the exemption; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 946

Representative Russell in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Cretul, Peterman, Richardson

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate after engrossment.

HB 1415—A bill to be entitled An act relating to traffic control; amending s. 316.2045, F.S.; exempting certain nonprofit organizations from permit requirements related to obstructing streets or roads for solicitation purposes; providing an effective date.

The Transportation Committee recommended the following:

HB 1415 CS—A bill to be entitled An act relating to traffic control; amending s. 316.2045, F.S.; exempting certain nonprofit organizations from permit requirements related to obstructing streets or roads for solicitation purposes; establishing conditions certain nonprofit organizations must meet in order to solicit charitable donations on certain streets, roads, and rights-of-way; authorizing local governments to halt solicitation activities if such conditions are not met; providing an effective date.

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

Session Vote Sequence: 947

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1443—A bill to be entitled An act relating to the Construction Lien Law; amending s. 713.13, F.S.; revising payment requirements relating to notice of commencement; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain application requirement exemptions; prohibiting issuing authorities from requiring recordation of a notice of commencement for certain purposes; authorizing fees for furnishing copies of certain statements; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on building permit applications; requiring provision of Internet access; amending s. 713.35, F.S.; revising provisions relating to the making or furnishing of false statements on certain construction documents; providing penalties; providing an effective date.

The Justice Council recommended the following:

HB 1443 CS—A bill to be entitled An act relating to liens; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain application requirement exemptions; prohibiting issuing authorities from requiring recordation of a notice of commencement for certain purposes; authorizing fees for furnishing copies of certain statements; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on building permit applications; requiring provision of Internet access; amending s. 713.18, F.S.; providing for electronic evidence of delivery of notices required by the Construction Lien Law; amending s. 713.35, F.S.; revising provisions relating to the making or furnishing of false statements on certain construction documents; providing penalties; providing effective dates.

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

Session Vote Sequence: 948

Representative Russell in the Chair.

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Cretul

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

On motion by Rep. Reagan, consideration of **HB 1447** was temporarily postponed.

HB 1533—A bill to be entitled An act relating to petroleum contamination; creating s. 376.30716, F.S.; providing definitions; creating a presumption regarding the source of a subsequently discovered discharge at certain petroleum contamination sites; providing exceptions to the application of the presumption; specifying that certain provisions concerning site rehabilitation agreements do not apply to a subsequently discovered discharge; prohibiting the Department of Environmental Protection from requiring soil or groundwater sampling relating to closure assessments at certain petroleum contamination sites; specifying responsibilities of a facility owner or operator; providing an effective date.

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

Session Vote Sequence: 949

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 7055—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising a definition; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax credit; amending s. 290.0055, F.S.; providing a property owner notification requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 7055 CS—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising definitions; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax credit; amending s. 290.0055, F.S.; providing a meeting notice requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

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

Session Vote Sequence: 950

Representative Russell in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Vana

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

HB 7107—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable

components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

The Transportation & Economic Development Appropriations Committee recommended the following:

HB 7107 CS—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens or facsimiles showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

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

Session Vote Sequence: 951

Representative Russell in the Chair.

Yeas—120

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

Sansom	Smith	Stargel	Vana
Seiler	Sobel	Taylor	Waters
Simmons	Sorensen	Traviesa	Williams
Slosberg	Stansel	Troutman	Zapata

Nays—None

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

HB 7177—A bill to be entitled An act relating to time limitations for criminal prosecutions; amending s. 775.15, F.S.; specifying the applicability period of a provision allowing an additional limitations period for specified offenses in certain circumstances; providing that a prosecution for specified offenses, unless otherwise barred by law, may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence; providing an effective date.

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

Session Vote Sequence: 952

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 7187—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

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

Session Vote Sequence: 953

Representative Russell in the Chair.

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Brandenburg

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

HB 7199—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with respect to the treatment or training of defendants who have mental illness, mental retardation, or autism and are committed to the Agency for Persons with Disabilities; providing intent with respect to the use of restraint and seclusion; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising certain prohibitions on sexual misconduct involving covered persons of the Department of Children

and Family Services or the Agency for Persons with Disabilities; defining the term "covered person"; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; deleting a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring department and agency rules to address the use of restraint and seclusion; providing requirements for such rules; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Services annually provide the courts with a list of certain mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to dismissal of charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under a specified Florida Rule of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by certain qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of certain available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides; amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a defendant with mental retardation and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

The Health & Families Council recommended the following:

HB 7199 CS—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with respect to the treatment or training of defendants who have mental illness, mental retardation, or autism and are committed to the Agency for Persons with Disabilities; providing intent with respect to the use of restraint and seclusion; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising certain prohibitions on sexual misconduct involving covered persons of the Department of Children and Family Services or the Agency for Persons with Disabilities; defining the term "covered person"; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; deleting a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring department and agency rules to address the use of restraint and seclusion; providing requirements for such rules; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Services annually provide the courts with a list of certain mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to dismissal of charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under a specified Florida Rule of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by certain qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of certain available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides; amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a defendant with mental retardation and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Representative Galvano offered the following:

(Amendment Bar Code: 246831)

Amendment 1—Remove lines 144-145 and insert:
seclusion on persons who are committed to a civil or forensic facility under this chapter.

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

On motion by Rep. Galvano, the rules were waived and HB 7199 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 954

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 7201—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are elements of the separate offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she, with certain intent, secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was read the second time by title.

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

Representatives Clarke offered the following:

(Amendment Bar Code: 008119)

Amendment 1 (with title amendment)—Between lines 13 and 14, insert:
Section 1. Subsection (4) of section 796.07, Florida Statutes, is amended, subsections (5)and (6) of that section are redesignated as subsections (6) and (7), and a new subsection (5) is added to the section to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.--

(4) Except as provided in subsection (5), a person who violates any provision of this section commits:

(a) A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

(c) A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who violates any provision of this section within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 that is in compliance with the signage requirements for child care facilities in s. 893.13(1)(c); a public or private elementary, middle, or secondary school; or a physical place for worship where a church or religious organization regularly conducts religious services; or in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility, the penalty shall be reclassified as follows:

1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

2. A misdemeanor of the first degree is reclassified to a felony of the third degree.

3. A felony of the third degree is reclassified to a felony of the second degree.

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

Remove line 2 and insert:

An act relating to sexual offenses; amending s. 796.07, F.S.; providing enhanced penalties for certain violations committed within a specified distance of certain locations; amending s. 810.14, F.S.;

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

On motion by Rep. Kravitz, the rules were waived and HB 7201 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 955

Representative Russell in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Berfield, Roberson

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

On motion by Rep. Sobel, consideration of **HB 973** was temporarily postponed.

HB 1161—A bill to be entitled An act relating to Okeechobee County; providing for career service for employees of the Okeechobee County Sheriff's Office; providing for application of the act, permanent status of employees, suspension or dismissal, transition of career service employees, and administration; providing for a procedure with respect to complaints against employees; providing for ad hoc career service appeal boards and membership and responsibilities thereof; providing for a disciplinary procedure and for appeals; providing for status as permanent employees; prohibiting certain actions to circumvent the act; providing an effective date.

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

Session Vote Sequence: 956

Representative Russell in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Galvano

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

HB 1183—A bill to be entitled An act relating to Hernando County special election validation; validating all acts and proceedings had and taken in connection with the special election held in the county on March 9, 2004, to authorize the levy of the one-half-cent local option sales tax in the county for the purpose of providing funds to finance the cost of new facilities consisting of new schools, equipment, and such improvements associated with such schools within the county; declaring such special election legal and valid; providing severability; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1183 CS—A bill to be entitled An act relating to Hernando County special election validation; validating all acts and proceedings had and taken in connection with the special election held in the county on March 9, 2004, to authorize the levy of a discretionary sales surtax in the county for the purpose of providing funds to finance the cost of new facilities consisting of new schools, equipment, and such improvements associated with such schools within the county; declaring such special election legal and valid; providing severability; providing an effective date.

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

Session Vote Sequence: 957

Representative Russell in the Chair.

Yeas—119

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	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	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—Sobel

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

HB 1219—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 8, chapter 23559, Laws of Florida, 1945, as amended; revising longevity retirement provisions to provide for a multiplier of 1.20 percent for employees in Division B, as amended; providing an effective date.

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

Session Vote Sequence: 958

Representative Russell in the Chair.

Yeas—113

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

Nays—None

Votes after roll call:
Yeas—Galvano, Rice

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

HB 1245—A bill to be entitled An act relating the North Broward Hospital District, Broward County; codifying, amending, reenacting, and repealing chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida; codifying the district charter; providing severability; providing an effective date.

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

Session Vote Sequence: 959

Representative Russell in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Brummer
Nays—Kottkamp

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

HB 1413—A bill to be entitled An act relating to Argyle Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt rules and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing an effective date.

The Local Government Council recommended the following:

HB 1413 CS—A bill to be entitled An act relating to Argyle Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to impose special assessments; providing for impact fees; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt rules and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing

the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for dissolution; providing for district expansion; providing for construction and effect; providing an effective date.

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

Session Vote Sequence: 960

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1531—A bill to be entitled An act relating to the West Palm Beach Water Catchment Area, Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising the legal description of the water catchment area; authorizing the licensing or permitting of certain uses within the water catchment area; providing an effective date.

The Local Government Council recommended the following:

HB 1531 CS—A bill to be entitled An act relating to the West Palm Beach Water Catchment Area, Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising the legal description of the water catchment area; authorizing the licensing or permitting of certain uses within the water catchment area; providing an effective date.

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

Session Vote Sequence: 961

Representative Russell in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1631—A bill to be entitled An act relating to the Village of North Palm Beach, Palm Beach County; designating a portion of State Road A1A within the village as Jack Nicklaus Drive; authorizing and directing the village to change street signs and markers, mailing addresses, and 911 emergency telephone system listings and to erect signs and markers accordingly; providing an effective date.

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

Session Vote Sequence: 962

Representative Russell in the Chair.

Yeas—120

Adams	Bilirakis	Davis, D.	Glorioso
Allen	Bogdanoff	Davis, M.	Goldstein
Altman	Bowen	Dean	Goodlette
Ambler	Brandenburg	Detert	Gottlieb
Anderson	Brown	Domino	Grant
Antone	Brummer	Evers	Greenstein
Arza	Brutus	Farkas	Grimsley
Attkisson	Bucher	Fields	Harrell
Ausley	Bullard	Flores	Hasner
Barreiro	Cannon	Galvano	Hays
Baxley	Carroll	Gannon	Henriquez
Bean	Clarke	Garcia	Holloway
Bendross-Mindingall	Coley	Gardiner	Homan
Bense	Cretul	Gelber	Hukill
Benson	Culp	Gibson, A.	Jennings
Berfield	Cusack	Gibson, H.	Johnson

Jordan	Mayfield	Quinones	Simmons
Joyner	McInvale	Reagan	Slosberg
Justice	Meadows	Rice	Smith
Kendrick	Mealor	Richardson	Sobel
Kottkamp	Murzin	Rivera	Sorensen
Kravitz	Needelman	Robaina	Stansel
Kreegel	Negron	Roberson	Stargel
Kyle	Patterson	Ross	Taylor
Legg	Peterman	Rubio	Traviesa
Littlefield	Pickens	Russell	Troutman
Llorente	Planas	Ryan	Vana
Lopez-Cantera	Poppell	Sands	Waters
Machek	Porth	Sansom	Williams
Mahon	Proctor	Seiler	Zapata

Nays—None

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

HB 495—A bill to be entitled An act relating to Baker County; specifying rights of certain employees and appointees of the Baker County Sheriff; providing applicability; providing definitions; providing for career service status; providing proceedings and provisions with respect to transition between administrations; providing rulemaking authority for purposes of implementation and administration; providing an effective date.

The Local Government Council recommended the following:

HB 495 CS—A bill to be entitled An act relating to Baker County; providing career service status for certain employees of the Baker County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

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

Session Vote Sequence: 963

Representative Russell in the Chair.

Yeas—120

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

Nays—None

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

THE SPEAKER IN THE CHAIR

Remarks

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

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 7225 for consideration.

HB 7225—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising a definition; authorizing the State Board of Administration to make available to certain insurers a contract to cede certain portions of surplus to the Florida Hurricane Catastrophe Fund; providing contract criteria and requirements; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; deleting a revenue bond issuance prohibition and validation requirement; revising certain revenue bond emergency assessment requirements; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; creating an advisory council; providing for appointment of members; specifying service without compensation; providing for per diem and travel expense reimbursements; requiring the department to adopt rules; creating the Manufactured Housing and Mobile Home Hurricane Mitigation Program for certain purposes; requiring the Department of Community Affairs to develop the program in consultation with certain entities; specifying requirements of the program; specifying the program as a matching grant program for improvement of mobile homes and manufactured homes; providing for distribution of the grants to the Department of Community Affairs for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for certain manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; amending s. 626.918, F.S.; authorizing certain letters of credit to fund an insurer's required policyholder protection trust fund; providing a definition; amending s. 627.062, F.S.; specifying certain rate filings as not subject to

office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; revising provisions providing for recoupment of certain reinsurance costs; specifying nonapplication to certain types of insurance; specifying approval of certain rate filings under certain circumstances; providing an exception; requiring the office to provide annual reports on the impact of certain rate regulations; specifying report requirements; amending s. 627.0628, F.S.; prohibiting certain office or consumer advocate questions of certain models reviewed by the commission; amending s. 627.0645, F.S.; authorizing the office to exempt certain companies from certain rate filing and rate certification requirements; amending s. 627.06281, F.S.; prohibiting the office from using certain hurricane loss projection models under certain circumstances; amending s. 627.351, F.S., relating to the Citizens Property Insurance Corporation; providing additional legislative intent; specifying application to homestead property; specifying the existing three separate accounts of the corporation as providing coverage only for homestead property; providing a definition; providing for an additional separate account for nonhomestead property; requiring separate maintenance of revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account; providing authority and requirements for coverage rates for nonhomestead properties; providing for office review of such rates or rating plans for being inadequate or unfairly discriminatory; authorizing the office to order discontinuance of certain policies under certain circumstances; requiring insurers to maintain certain records; providing for reducing regular assessments by the Citizen policyholder surcharge under certain circumstances; providing for deficit assessments against nonhomestead account policyholders under certain circumstances; authorizing the board of governors of the corporation to make loans from the homestead accounts to the nonhomestead account under certain circumstances; specifying ineligibility of certain nonhomestead account policyholders for certain coverage under certain circumstances; revising the requirements of the plan of operation of the corporation; requiring additional procedures for determining eligibility of a risk for coverage; providing for determination of regular assessments to which the Citizen policyholder surcharge applies; specifying a minimum requirement for a hurricane deductible for certain property; specifying contents of required statements in applications for nonhomestead and homestead account coverage; requiring the corporation to limit coverage on certain mobile homes or manufactured homes; providing additional legislative intent relating to rate adequacy in the residual market; revising provisions relating to a pilot program in Monroe County; deleting provisions relating to a rate methodology panel appointed by the corporation; providing requirements and limitations for a corporation adopted bonus payment program; specifying absence of liability of producing agents of record of the corporation and employees for a take-out insurer's insolvency; deleting provisions for immunity for certain persons and entities; providing a criterion for calculating reduction or increase in probable maximum loss; providing bankruptcy petition limitations; delaying application of certain high-risk area boundary reduction provisions; providing for application of provisions relating to homestead and nonhomestead accounts to certain policies; requiring certain corporation employees to comply with certain ethics code requirements; requiring corporation employees to notify the Division of Insurance Fraud of probable commissions of fraud by corporation employees; requiring the corporation to report on the feasibility of requiring authorized insurers to issue and service specified policies of the corporation; specifying report requirements; providing immunity to producing agents and employees for specified actions taken relating to removal of policies from the corporation; providing a limitation; providing legislative intent; creating a High Risk Eligibility Panel; providing for appointment of panel members and member's terms; providing for administration of the panel by the corporation; prohibiting compensation and per diem and travel expenses; providing an exception; requiring the panel to report annually to the Legislature on the certain areas that should be included in the Citizens Property Insurance Corporation high risk account; specifying factors to be considered by the panel; providing duties of the office; authorizing the office to conduct public hearings; requiring the panel to conduct an analysis of property eligible for the high-risk account in specified areas; requiring the panel to submit a report to the office and corporation; providing requirements of the report; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; providing construction relating to limiting the liability of an insurer for certain replacement costs; amending s. 627.701, F.S.; providing additional authorization and requirements for hurricane deductibles for renewal periods; requiring insurers to provide insureds with certain deductible selection options after hurricane mitigation measures are taken; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; deleting application to personal property; requiring insurers to issue separate checks for certain expenses and requiring certain checks to be issued directly to a policyholder; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; prohibiting certain conflicting emergency rules; amending s. 627.727, F.S.; correcting a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; amending s. 631.54, F.S.; defining the term "homeowner's insurance"; amending s. 631.55, F.S.; correcting a cross-reference; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 817.234, F.S.; providing an additional circumstance that constitutes committing insurance fraud; creating the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes; providing for administration by the office; specifying additional agency administrative staff; providing for appointment of task force members; requiring members to serve without compensation; providing for per diem and travel expenses; providing purpose and intent; requiring the task force to address specified issues; requiring a report to the Governor, Chief Financial Officer, and Legislature; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures ; providing report requirements; providing duties of the office; providing appropriations; specifying uses and purposes of appropriations; providing effective dates.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Needelman to adopt **Amendment 14 to Amendment 1** (Amendment Bar Code: 493137). Subsequently the amendment to the amendment was withdrawn.

Representative(s) Ross offered the following:

(Amendment Bar Code: 747401)

Amendment 15 to Amendment 1—Between lines 2078 and 2079, insert:

22. Must provide that, notwithstanding any limitation to the contrary regarding coverage of residential structures, including, but not limited to, classification or location of risks, the corporation shall provide coverage to residential structures constructed after the adoption of the Florida Building Code for the full value of such structures. Premiums for such residential structures shall fully reflect all appropriate discounts, credits, or other rate differentials based upon actual experience or any other loss relativity studies available to the corporation.

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 983953)

Amendment 16 to Amendment 1—Remove line(s) 2078 and insert:

rather than replacement costs of the dwelling. The actual cash value of these dwellings may be determined by:

a. A residential appraisal no more than 1 year old from a Florida licensed appraiser which provides the Depreciated Value of Improvements; or

b. A purchase agreement or bill of sale no more than 1 year old which reflects the purchase price less the land value.

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

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 874191)

Amendment 17 to Amendment 1 (with title amendment)—Remove line(s) 2282-2306 and insert:

4.a. For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In this county, the rates for personal lines residential coverage shall be actuarially adequate ~~sound~~ and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies in Monroe County. Any proposed rate increase filed by the corporation after May 1, 2006, but before October 1, 2006, for Monroe County based upon actuarial adequacy shall be implemented in equal amounts over a period of 3 years.

b. Pursuant to a report by ~~March 1, 2006,~~ the office ~~shall submit a report to the Legislature~~ providing an evaluation of the implementation of the pilot program affecting Monroe County and indicating that there has historically been a lack of a reasonable degree of competition in Monroe County, the office shall proceed as follows:

(I) The office shall order the corporation to charge only approved rates in effect for Monroe County on October 1, 2005, until any new rates are approved by the office.

(II) The office shall hold one or more public hearings, with at least 30 days' advance notice to interested persons, in Monroe County prior to the approval or implementation of a rate filing which proposes rates that exceed rates that were in effect for Monroe County on October 1, 2005.

(III) The office shall make available for public inspection 30 days prior to such hearings the office's written actuarial analysis if such analysis differs materially from that submitted by the corporation in support of the new rates filed. The office and the corporation shall also provide actuaries and qualified experts in attendance at such hearings to answer questions from actuaries or other qualified experts representing Monroe County or the public concerning the new rates filed. Additionally, the office shall provide for a technical hearing at which only actuaries and qualified experts representing the office, the corporation, Monroe County, or the Office of the Insurance Consumer Advocate may testify and at which the public may attend.

(IV) Notwithstanding any other provision of law, the office shall order the portion of any premium collected in 2006 based on a rate charged on a use and file bases above that which was actuarially justified to be returned to such policyholder in the form of a credit or refund.

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

Remove line 4679 and insert:

a pilot program in Monroe County; providing program requirements of the office; deleting provisions relating

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 793831)

Amendment 18 to Amendment 1—Remove line(s) 2320 and insert:

expenses reasonably expected to result from a 125-year probable

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

Representative Johnson offered the following:

(Amendment Bar Code: 517689)

Amendment 19 to Amendment 1 (with title amendment)—Between lines 3862-3863, insert:

Section 20. Subsection (1) of section 627.702, Florida Statutes, is amended to read:

627.702 Valued policy law.--

(1)(a) In the event of the total loss of any building, structure, mobile home as defined in s. 320.01(2), or manufactured building as defined in s. 553.36(12), located in this state and insured by any insurer as to a covered peril, in the absence of any change increasing the risk without the insurer's consent and in the absence of fraudulent or criminal fault on the part of the insured or one acting in her or his behalf, the insurer's liability, if any, under the policy for such total loss~~, if caused by a covered peril,~~ shall be in the amount of money for which such property was so insured as specified in the policy and for which a premium has been charged and paid.

(b) ~~The intent of this subsection is not to deprive an insurer of any proper defense under the policy, to create new or additional coverage under the policy, or to require an insurer to pay for a loss caused by a peril other than the covered peril. In furtherance of such legislative intent, when a loss was caused in part by a covered peril and in part by a noncovered peril, paragraph (a) does not apply. In such circumstances, the insurer's liability under this section shall be limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, paragraph (a) shall apply. The insurer is never liable for more than the~~

~~amount necessary to repair, rebuild, or replace the structure following the total loss, after considering all other benefits actually paid for the total loss.~~

~~(c)~~ It is the intent of the Legislature that the amendment to this section shall ~~not~~ be applied retroactively ~~and shall apply only to claims filed after the effective date of such amendment~~.

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

Remove line 4740 and insert:

emergency rules; amending s. 627.702, F.S.; revising a provision relating to insurer's liability; revising legislative intent; amending s. 627.706, F.S.; providing a

Rep. Johnson moved the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Ross offered the following:

(Amendment Bar Code: 953807)

Amendment 20 to Amendment 1 (with title amendment)—Remove line(s) 3863-3872.

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

Remove line(s) 4740-4741 and insert:

emergency rules; amending s. 627.727, F.S.; correcting a cross-

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 399097)

Amendment 21 to Amendment 1 (with title amendment)—Between lines 4305 and 4306, insert:

Section 29. (1) The Revenue Estimating Conference shall estimate the net increased revenues accruing to the General Revenue Fund from taxes imposed under chapter 212, Florida Statutes, for the fiscal year during which the impact of one or more named hurricanes or tropical storms occurred and for the following fiscal year, which increase is attributable to such impact.

(2) The Chief Financial Officer shall, by July 31 following the estimate by the Revenue Estimating Conference, transfer moneys in the General Revenue Fund in an amount equal to the increased revenues estimated by the Revenue Estimating Conference under this subsection as follows:

(a) Eighty percent to the Florida Hurricane Catastrophe Fund.

(b) Twenty percent to the Executive Office of the Governor for purposes of funding the housing retrofit program to be administered by the office.

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

Remove line 4786 and insert:

fraud; requiring the Revenue Estimating Conference to determine net increases in sales and use tax revenues resulting from hurricanes or tropical storms; providing for transfer of certain moneys relating to such net increases from the General Revenue Fund to the Florida Hurricane Catastrophe Fund and the Executive Office of the Governor for certain purposes; creating the Task Force on Hurricane Mitigation and

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 920095)

Amendment 22 to Amendment 1 (with title amendment)—Between lines 4305 and 4306, insert:

Section 29. The Office of Insurance Regulation shall conduct a study of the development of loss relativities for wind-resistive features of residential structures. The study shall estimate the effectiveness of wind-resistive building features in reducing hurricane damage to residential buildings, including loss relativities to be used in calculating premium incentives for consumers who incorporate such features into their homes. The office shall prepare and submit a study report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007.

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

Remove line 4786 and insert:

fraud; directing the Office of Insurance Regulation to conduct a study on development of loss relativities for wind-resistive features of residential structures; providing criteria; requiring a report to the Governor and Legislature; creating the Task Force on Hurricane Mitigation and

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 056503)

Amendment 23 to Amendment 1 (with title amendment)—Remove line(s) 4306-4413.

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

Remove line(s) 4786-4795 and insert:

fraud; requiring the Office of Insurance Regulation to submit

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

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

Representative(s) Grimsley and Farkas offered the following:

(Amendment Bar Code: 635045)

Amendment 24 to Amendment 1—Remove line(s) 4484-4487 and insert: the funds appropriated to administer the program. The department shall contract with Tallahassee Community College for $7.5 million to implement the Manufactured Housing and Mobile Home Hurricane Mitigation Program that is part of the Florida Comprehensive Hurricane Damage Mitigation Program. Tallahassee Community College may spend up to 5 percent of the funds appropriated to administer the Manufactured Housing and Mobile Home Hurricane Mitigation and Enhancement Program.

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 788527)

Amendment 25 to Amendment 1 (with title amendment)—Between lines 4521-4522 insert:

(3) Each insurer that recoups an assessment from its policyholders as allowed by law shall include on the premium notice sent to policyholders, in 12-point type, the following statement, with the appropriate dollar amounts shown:

"THE $ SURCHARGE IN YOUR PREMIUM FOR THE ASSESSMENT BY CITIZENS PROPERTY INSURANCE CORPORATION HAS BEEN REDUCED BY $ DUE TO AN APPROPRIATION BY THE FLORIDA LEGISLATURE."

(4) A violation of this section by an insurer is a violation of the Insurance Code and the insurer is subject to the penalties provided in ss. 624.418 and 624.4211, Florida Statutes.

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

Between lines 4799-4800 insert:

requiring insurers who recoup assessments to notify policyholders of the amount by which the surcharge has been reduced; providing penalties for a violation;

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

Representative(s) Taylor offered the following:

(Amendment Bar Code: 201953)

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

Section 1. Section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Insurance ~~Catastrophe~~ Fund.--

(1) FINDINGS AND PURPOSE.--The Legislature finds and declares as follows:

(a) There is a compelling state interest in maintaining a viable and orderly private sector market for property insurance in this state. To the extent that the private sector is unable to maintain a viable and orderly market for property insurance in this state, state actions to maintain such a viable and orderly market are valid and necessary exercises of the police power.

(b) As a result of unprecedented levels of catastrophic insured losses in recent years, and especially as a result of Hurricane Andrew and the 2004 and 2005 hurricane seasons, numerous insurers have determined that in order to protect their solvency, it is necessary for them to reduce their exposure to hurricane losses. Also as a result of these events, world reinsurance capacity has significantly contracted, increasing the pressure on insurers to reduce their catastrophic exposures.

(c) Mortgages require reliable property insurance, and the unavailability of reliable property insurance would therefore make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be repaired or reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable residents of this state to obtain property insurance coverage in the private sector endangers the economy of the state and endangers the public health, safety, and welfare. Accordingly, state action to correct for this inability of the private sector constitutes a valid and necessary public and governmental purpose.

(d) The insolvencies and financial impairments resulting from Hurricane Andrew and the 2004 and 2005 hurricane seasons demonstrate that many property insurers are unable or unwilling to maintain reserves, surplus, and reinsurance sufficient to enable the insurers to pay all claims in full in the event of a catastrophe. State action is therefore necessary to protect the public from an insurer's unwillingness or inability to maintain sufficient reserves, surplus, and reinsurance.

(e) A state program to provide a stable and ongoing source of coverage ~~reimbursement to insurers~~ for a substantial portion of ~~their catastrophic~~ hurricane losses for citizens of this state will create additional insurance capacity sufficient to ameliorate the current dangers to the state's economy and to the public health, safety, and welfare.

(f) It is essential to the functioning of a state program to increase insurance capacity that revenues received be exempt from federal taxation. It is therefore the intent of the Legislature that this program be structured as a state trust fund under the direction and control of the State Board of Administration and operate exclusively for the purpose of protecting and advancing the state's interest in maintaining insurance capacity in this state.

(g) Hurricane Andrew, which caused insured and uninsured losses in excess of $20 billion, and the 2004 hurricane season, which caused insured losses in excess of $42 billion, will likely not be the last major windstorm to strike Florida. Recognizing that a future wind catastrophe could cause damages in excess of $60 billion, especially if a major urban area or series of urban areas were hit, it is the intent of the Legislature to balance equitably its concerns about mitigation of hurricane impact, insurance affordability and availability, and the risk of insurer and joint underwriting association insolvency, as well as assessment and bonding limitations.

(h) Wind-storm coverage provided by Citizens Property Insurance Corporation has proven to be ineffective for homeowners in Florida. Following the 2004 and 2005 hurricane seasons, Citizens Property Insurance Corporation has levied assessments that have caused enormous financial constraints to all homeowners in Florida.

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

(a)~~(m)~~ "Actual claims-paying capacity" means the sum of the balance of the fund as of December 31 of a contract year, plus any reinsurance purchased by the fund, plus the amount the board is able to raise through the issuance of revenue bonds under subsection (6).

(b)~~(a)~~ "Actuarially indicated" means, with respect to premiums paid to ~~by~~ insurers for reimbursement provided by the fund, an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the fund, including additional amounts if needed to pay debt service on revenue bonds issued under this section and to provide required debt service coverage in excess of the amounts required to pay actual debt service on revenue bonds issued under subsection (6), and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.

(c)~~(g)~~ "Bond" means any bond, debenture, note, or other evidence of financial indebtedness issued under this section.

(d)~~(n)~~ "Corporation" means the Florida Hurricane Insurance ~~Catastrophe~~ Fund Finance Corporation created in paragraph (6)(d).

(e)~~(b)~~ "Covered event" means any one storm declared to be a hurricane by the National Hurricane Center, which storm causes insured losses in this state.

(f)~~(c)~~ "Covered policy" means any hurricane insurance policy covering residential property in this state, including, but not limited to, any homeowner's, mobile home owner's, farm owner's, condominium association, condominium unit owner's, tenant's, or apartment building policy, or any other policy covering a residential structure or its contents issued by any authorized insurer, including the Citizens Property Insurance Corporation and any joint underwriting association or similar entity created pursuant to law. The term "covered policy" includes any collateral protection insurance policy covering personal residences which protects both the borrower's and the lender's financial interests, in an amount at least equal to the coverage for the dwelling in place under the lapsed homeowner's policy, if such policy can be accurately reported as required in subsection (5). Additionally, covered policies include policies covering the peril of wind removed from the Florida Residential Property and Casualty Joint Underwriting Association or from the Citizens Property Insurance Corporation, created pursuant to s. 627.351(6), or from the Florida Windstorm Underwriting Association, created pursuant to s. 627.351(2), by an authorized insurer under the terms and conditions of an executed assumption agreement between the authorized insurer and such association or Citizens Property Insurance Corporation. Each assumption agreement between the association and such authorized insurer or Citizens Property Insurance Corporation must be approved by the Office of Insurance Regulation prior to the effective date of the assumption, and the Office of Insurance Regulation must provide written notification to the board within 15 working days after such approval. "Covered policy" does not include any policy that excludes wind coverage or hurricane coverage or any reinsurance agreement and does not include any policy otherwise meeting this definition which is issued by a surplus lines insurer or a reinsurer. All commercial residential excess policies and all deductible buy-back policies that, based on sound actuarial principles, require individual ratemaking shall be excluded by rule if the actuarial soundness of the fund is not jeopardized. For this purpose, the term "excess policy" means a policy that provides insurance protection for large commercial property risks and that provides a layer of coverage above a primary layer insured by another insurer.

(g)~~(h)~~ "Debt service" means the amount required in any fiscal year to pay the principal of, redemption premium, if any, and interest on revenue bonds and any amounts required by the terms of documents authorizing, securing, or

providing liquidity for revenue bonds necessary to maintain in effect any such liquidity or security arrangements.

(h)~~(i)~~ "Debt service coverage" means the amount, if any, required by the documents under which revenue bonds are issued, which amount is to be received in any fiscal year in excess of the amount required to pay debt service for such fiscal year.

(i)~~(l)~~ "Estimated claims-paying capacity" means the sum of the projected year-end balance of the fund as of December 31 of a contract year, plus any reinsurance purchased by the fund, plus the board's estimate of the board's borrowing capacity.

(j) "Local government" means a unit of general purpose local government as defined in s. 218.31(2).

(k)~~(d)~~ "Losses" means direct incurred losses under covered policies, which shall include losses for additional living expenses not to exceed 40 percent of the insured value of a residential structure or its contents and shall exclude loss adjustment expenses. "Losses" does not include losses for fair rental value, loss of use, or business interruption losses.

(l)~~(k)~~ "Pledged revenues" means all or any portion of revenues to be derived from reimbursement premiums under subsection (5) or from emergency assessments under paragraph (6)(b), as determined by the board.

~~(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:~~

~~1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90 percent coverage level.~~

~~2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90 percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75 percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45 percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.~~

~~3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.~~

~~4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.~~

(m)~~(f)~~ "Workers' compensation" includes both workers' compensation and excess workers' compensation insurance.

(3) FLORIDA HURRICANE INSURANCE ~~CATASTROPHE~~ FUND CREATED.--There is created the Florida Hurricane Insurance ~~Catastrophe~~ Fund to be administered by the State Board of Administration. Moneys in the fund may not be expended, loaned, or appropriated except to pay obligations of the fund arising out of reimbursement contracts entered into under subsection (4), payment of debt service on revenue bonds issued under subsection (6), costs of the mitigation program under subsection (7), costs of procuring reinsurance, and costs of administration of the fund. The board shall invest the moneys in the fund pursuant to ss. 215.44-215.52. Except as otherwise provided in this section, earnings from all investments shall be retained in the fund. The board may employ or contract with such staff and professionals as the board deems necessary for the administration of the fund. The board may adopt such rules as are reasonable and necessary to implement this section and shall specify interest due on any delinquent remittances, which interest may not exceed the fund's rate of return plus 5 percent. Such rules must conform to the Legislature's specific intent in establishing the fund as expressed in subsection (1), must enhance the fund's potential ability to respond to claims for covered events, must contain general provisions so that the rules can be applied with reasonable flexibility so as to accommodate insurers in situations of an unusual nature or where undue hardship may result, except that such flexibility may not in any way impair, override, supersede, or constrain the public purpose of the fund, and must be consistent with sound insurance practices. The board may, by rule, provide for the exemption from subsections (4) and (5) of insurers writing covered policies with less than $10 million in aggregate exposure for covered policies if the exemption does not affect the actuarial soundness of the fund.

(4) REIMBURSEMENT CONTRACTS.--

(a) The board shall enter into a contract with each insurer writing hurricane-covered ~~covered~~ policies in this state to provide to the insurer the reimbursement described in paragraphs (b) and (d), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for losses as provided in this paragraph as a result of a covered event ~~45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses~~.

2. The insurer shall provide hurricane coverage for any policyholder selecting this coverage. The insurer shall collect premiums from policyholders as determined by the state and remit premium collections to the state to be deposited in the Florida Hurricane Insurance Fund ~~must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90 percent coverage level~~.

3. The contract shall provide that reimbursement coverage for any hurricane loss must be paid to the insurer. A policyholder shall submit all claims to the insurer for payment for all related losses.

4. A policyholder shall pay hurricane peril premiums to the insurer, and the insurer shall remit collected premiums to the state.

5. An insurer shall contract with the state to provide hurricane peril coverage to policyholders and provide coverage directly to policyholders for losses as a result of a covered event. The state shall reimburse the insurer from the Florida Hurricane Insurance Fund for all reimbursements made by the insurer to policyholders as a result of a covered event.

6. Premiums paid by a policyholder must provide, through the fund, a maximum coverage of $100,000.

7. A policyholder may select hurricane deductibles of 1, 2, 5, or 10 percent.

8. An insurer may choose to provide additional coverage beyond the fund's coverage of $100,000 for its policyholders.

9. An insurer shall provide claims adjustment and reimbursement for losses directly to its policyholders. Once reimbursement amounts have been determined for policyholders, an insurer shall submit a request for reimbursement through the fund for payments made to policyholders for hurricane loss. Insurers will be reimbursed for 90 percent of adjusted hurricane losses sustained by policyholders.

10. The $100,000 maximum coverage shall be adjusted every 3 years based on the home rate index.

11. Discounted premiums shall be provided by the fund for an insurer who encourages its policyholders to engage in loss mitigation following damage to

or loss of property ~~amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources~~.

(c)~~1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the cash balance which occurred over the prior calendar year.~~

~~2.~~ In May before the start of the upcoming contract year and in October during the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their actuarially sound premiums ~~retention~~ and projected payout from the fund for loss reimbursement purposes. ~~In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.~~

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. ~~The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.~~

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall~~:~~

~~a. First~~ reimburse insurers within 90 days after reporting policyholder-paid losses as a result of a covered event ~~writing covered policies, which insurers are in full compliance with this section and have petitioned the Office of Insurance Regulation and qualified as limited apportionment companies under s. 627.351(2)(b)3. The amount of such reimbursement shall be the lesser of $10 million or an amount equal to 10 times the insurer's reimbursement premium for the current year. The amount of reimbursement paid under this sub-subparagraph may not exceed the full amount of reimbursement promised in the reimbursement contract. This sub-subparagraph does not apply with respect to any contract year in which the year-end projected cash balance of the fund, exclusive of any bonding capacity of the fund, exceeds $2 billion. Only one member of any insurer group may receive reimbursement under this sub-subparagraph~~.

~~b. Next pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year; provided, entities created pursuant to s. 627.351 shall be further reimbursed in accordance with sub-subparagraph c.~~

~~c. Thereafter, establish the prorated reimbursement level at the highest level for which any remaining fund balance or bond proceeds are sufficient to reimburse entities created pursuant to s. 627.351 based on reimbursable losses exceeding the amounts payable pursuant to sub-subparagraph b. for the current contract year.~~

~~(e)1. Except as provided in subparagraphs 2. and 3., the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the advance and interest thereon.~~

~~2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:~~

~~a. The board's estimate of the amount of reimbursement due to such entity; or~~

~~b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.~~

~~3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d), at market interest rates, if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.~~

(e)~~(f)~~ In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract. The costs of the examinations shall be borne by the board. However, in order to remove any incentive for an insurer to delay preparations for an examination, the board shall be reimbursed by the insurer for any examination expenses incurred in addition to the usual and customary costs of the examination, which additional expenses were incurred as a result of an insurer's failure, despite proper notice, to be prepared for the examination or as a result of an insurer's failure to provide requested information while the examination is in progress. If the board finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the board may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the insurer being examined, if such insurer has failed to maintain, complete, or correct such records or deficiencies after the board has given the insurer notice and a reasonable opportunity to do so. Any information contained in an examination report, which information is described in s. 215.557, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as provided in s. 215.557. Nothing in this paragraph expands the exemption in s. 215.557.

(f)~~(g)~~ The contract shall provide that in the event of the insolvency of an insurer, the fund shall pay directly to the Florida Insurance Guaranty Association for the benefit of Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this

paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for:

1. Preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers; or

2. Funds owed to a bank or other financial institution to cover obligations of the insolvent insurer under a credit agreement that assists the insolvent insurer in paying claims attributable to covered events.

The private reinsurers, banks, or other financial institutions shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.

(5) REIMBURSEMENT PREMIUMS.--

(a) Each reimbursement contract shall require the insurer to ~~annually~~ pay to the fund an actuarially indicated premium for the reimbursement of hurricane losses.

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer ~~for each $1,000 of insured value under covered policies in that zip code or other area~~. In establishing premiums, the board shall consider ~~the coverage elected under paragraph (4)(b) and~~ any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, loss mitigation efforts, a factor providing for more rapid cash buildup in the fund until the fund capacity for a single hurricane season is fully funded, and other such factors deemed by the board to be appropriate. ~~The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.~~

(c) No later than September 1 of each year, each insurer shall notify the board of its insured values under covered policies by zip code, as of June 30 of that year. On the basis of these reports, the board shall calculate the premium due from the insurer, based on the formula adopted under paragraph (b). ~~The insurer shall pay the required annual premium pursuant to a periodic payment plan specified in the contract. The board shall provide for payment of reimbursement premium in periodic installments and for the adjustment of provisional premium installments collected prior to submission of the exposure report to reflect data in the exposure report. The board shall collect interest on late reimbursement premium payments consistent with the assumptions made in developing the premium formula in accordance with paragraph (b).~~

~~(d) All premiums paid to the fund under reimbursement contracts shall be treated as premium for approved reinsurance for all accounting and regulatory purposes.~~

(6) REVENUE BONDS.--

(a) General provisions.--

1. Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contracts, the board may take the necessary steps under paragraph (c) or paragraph (d) for the issuance of revenue bonds for the benefit of the fund. The proceeds of such revenue bonds may be used to make reimbursement payments under reimbursement contracts; to refinance or replace previously existing borrowings or financial arrangements; to pay interest on bonds; to fund reserves for the bonds; to pay expenses incident to the issuance or sale of any bond issued under this section, including costs of validating, printing, and delivering the bonds, costs of printing the official statement, costs of publishing notices of sale of the bonds, and related administrative expenses; or for such other purposes related to the financial obligations of the fund as the board may determine. The term of the bonds may not exceed 30 years. The board may pledge or authorize the corporation to pledge all or a portion of all revenues under subsection (5) and under paragraph (b) to secure such revenue bonds and the board may execute such agreements between the board and the issuer of any revenue bonds and providers of other financing arrangements under paragraph (7)(b) as the board deems necessary to evidence, secure, preserve, and protect such pledge. If reimbursement premiums received under subsection (5) or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the moneys derived from assessments under paragraph (b). The funds, credit, property, or taxing power of the state or political subdivisions of the state shall not be pledged for the payment of such bonds. The board may also enter into agreements under paragraph (c) or paragraph (d) for the purpose of issuing revenue bonds in the absence of a hurricane upon a determination that such action would maximize the ability of the fund to meet future obligations.

2. The Legislature finds and declares that the issuance of bonds under this subsection is for the public purpose of paying the proceeds of the bonds to insurers, thereby enabling insurers to pay the claims of policyholders to assure that policyholders are able to pay the cost of construction, reconstruction, repair, restoration, and other costs associated with damage to property of policyholders of covered policies after the occurrence of a hurricane. Revenue bonds may not be issued under this subsection until validated under chapter 75. The validation of at least the first obligations incurred pursuant to this subsection shall be appealed to the Supreme Court, to be handled on an expedited basis.

(b) Emergency assessments.--

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of future premium collections and is subject to annual adjustments by the board to reflect changes in premiums subject to assessments collected under this subparagraph in order to meet debt obligations. The same percentage shall apply to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph shall continue until the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. With respect to each insurer collecting premiums that are subject to the assessment, the insurer shall collect the assessment at the same time as it collects the premium payment for each policy and shall remit the assessment collected to the fund or corporation as provided in the order issued by the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report

the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless and until the Office of Insurance Regulation and the Florida Surplus Lines Service Office have received from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. When an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. When a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2007, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2007.

(c) Revenue bond issuance through counties or municipalities.--

1. If the board elects to enter into agreements with local governments for the issuance of revenue bonds for the benefit of the fund, the board shall enter into such contracts with one or more local governments, including agreements providing for the pledge of revenues, as are necessary to effect such issuance. The governing body of a county or municipality is authorized to issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the Florida Hurricane Insurance ~~Catastrophe~~ Fund, for the purposes set forth in this section or for the purpose of paying the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane by assuring that policyholders located in this state are able to recover claims under property insurance policies after a covered event.

2. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any local government may provide for the payment of fund reimbursements, regardless of whether or not the losses for which reimbursement is made occurred within or outside of the territorial jurisdiction of the local government.

3. The state hereby covenants with holders of bonds issued under this paragraph that the state will not repeal or abrogate the power of the board to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

4. There shall be no liability on the part of, and no cause of action shall arise against any members or employees of the governing body of a local government for any actions taken by them in the performance of their duties under this paragraph.

(d) Florida Hurricane Insurance ~~Catastrophe~~ Fund Finance Corporation.--

1. In addition to the findings and declarations in subsection (1), the Legislature also finds and declares that:

a. The public benefits corporation created under this paragraph will provide a mechanism necessary for the cost-effective and efficient issuance of bonds. This mechanism will eliminate unnecessary costs in the bond issuance process, thereby increasing the amounts available to pay reimbursement for losses to property sustained as a result of hurricane damage.

b. The purpose of such bonds is to fund reimbursements through the Florida Hurricane Insurance ~~Catastrophe~~ Fund to pay for the costs of construction, reconstruction, repair, restoration, and other costs associated with damage to properties of policyholders of covered policies due to the occurrence of a hurricane.

c. The efficacy of the financing mechanism will be enhanced by the corporation's ownership of the assessments, by the insulation of the assessments from possible bankruptcy proceedings, and by covenants of the state with the corporation's bondholders.

2.a. There is created a public benefits corporation, which is an instrumentality of the state, to be known as the Florida Hurricane Insurance ~~Catastrophe~~ Fund Finance Corporation.

b. The corporation shall operate under a five-member board of directors consisting of the Governor or a designee, the Chief Financial Officer or a designee, the Attorney General or a designee, the director of the Division of Bond Finance of the State Board of Administration, and the senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Insurance ~~Catastrophe~~ Fund.

c. The corporation has all of the powers of corporations under chapter 607 and under chapter 617, subject only to the provisions of this subsection.

d. The corporation may issue bonds and engage in such other financial transactions as are necessary to provide sufficient funds to achieve the purposes of this section.

e. The corporation may invest in any of the investments authorized under s. 215.47.

f. There shall be no liability on the part of, and no cause of action shall arise against, any board members or employees of the corporation for any actions taken by them in the performance of their duties under this paragraph.

3.a. In actions under chapter 75 to validate any bonds issued by the corporation, the notice required by s. 75.06 shall be published only in Leon

County and in two newspapers of general circulation in the state, and the complaint and order of the court shall be served only on the State Attorney of the Second Judicial Circuit.

b. The state hereby covenants with holders of bonds of the corporation that the state will not repeal or abrogate the power of the board to direct the Office of Insurance Regulation to levy the assessments and to collect the proceeds of the revenues pledged to the payment of such bonds as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

4. The bonds of the corporation are not a debt of the state or of any political subdivision, and neither the state nor any political subdivision is liable on such bonds. The corporation does not have the power to pledge the credit, the revenues, or the taxing power of the state or of any political subdivision. The credit, revenues, or taxing power of the state or of any political subdivision shall not be deemed to be pledged to the payment of any bonds of the corporation.

5.a. The property, revenues, and other assets of the corporation; the transactions and operations of the corporation and the income from such transactions and operations; and all bonds issued under this paragraph and interest on such bonds are exempt from taxation by the state and any political subdivision, including the intangibles tax under chapter 199 and the income tax under chapter 220. This exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the Florida Hurricane Insurance ~~Catastrophe~~ Fund Finance Corporation.

b. All bonds of the corporation shall be and constitute legal investments without limitation for all public bodies of this state; for all banks, trust companies, savings banks, savings associations, savings and loan associations, and investment companies; for all administrators, executors, trustees, and other fiduciaries; for all insurance companies and associations and other persons carrying on an insurance business; and for all other persons who are now or may hereafter be authorized to invest in bonds or other obligations of the state and shall be and constitute eligible securities to be deposited as collateral for the security of any state, county, municipal, or other public funds. This sub-subparagraph shall be considered as additional and supplemental authority and shall not be limited without specific reference to this sub-subparagraph.

6. The corporation and its corporate existence shall continue until terminated by law; however, no such law shall take effect as long as the corporation has bonds outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds. Upon termination of the existence of the corporation, all of its rights and properties in excess of its obligations shall pass to and be vested in the state.

(e) Protection of bondholders.--

1. As long as the corporation has any bonds outstanding, neither the fund nor the corporation shall have the authority to file a voluntary petition under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, and neither any public officer nor any organization, entity, or other person shall authorize the fund or the corporation to be or become a debtor under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, during any such period.

2. The state hereby covenants with holders of bonds of the corporation that the state will not limit or alter the denial of authority under this paragraph or the rights under this section vested in the fund or the corporation to fulfill the terms of any agreements made with such bondholders or in any way impair the rights and remedies of such bondholders as long as any such bonds remain outstanding unless adequate provision has been made for the payment of such bonds pursuant to the documents authorizing the issuance of such bonds.

3. Notwithstanding any other provision of law, any pledge of or other security interest in revenue, money, accounts, contract rights, general intangibles, or other personal property made or created by the fund or the corporation shall be valid, binding, and perfected from the time such pledge is made or other security interest attaches without any physical delivery of the collateral or further act and the lien of any such pledge or other security interest shall be valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the fund or the corporation irrespective of whether or not such parties have notice of such claims. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

(7) ADDITIONAL POWERS AND DUTIES.--

(a) The board may procure reinsurance from reinsurers acceptable to the Office of Insurance Regulation for the purpose of maximizing the capacity of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, or enter into other financing arrangements with, any market sources at prevailing interest rates.

~~(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than $10 million and no more than 35 percent of the investment income based upon the most recent fiscal year-end audited financial statements for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the $10 million specified in this paragraph shall not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.~~

(c)~~(d)~~ The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(d)~~(e)~~ In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(8) ADVISORY COUNCIL.--The State Board of Administration shall appoint a nine-member Florida Hurricane Insurance Fund Advisory Council that consists of an actuary, a meteorologist, an engineer, a representative of insurers, a representative of insurance agents, a representative of reinsurers, and three consumers who shall also be representatives of other affected professions and industries, to provide the board with information and advice in connection with its duties under this section. Members of the advisory council shall serve at the pleasure of the board and are eligible for per diem and travel expenses under s. 112.061.

(9) APPLICABILITY OF S. 19, ART. III OF THE STATE CONSTITUTION.--The Legislature finds that the Florida Hurricane Insurance ~~Catastrophe~~ Fund created by this section is a trust fund established for bond covenants, indentures, or resolutions within the meaning of s. 19(f)(3), Art. III of the State Constitution.

(10) VIOLATIONS.--Any violation of this section or of rules adopted under this section constitutes a violation of the insurance code.

(11) LEGAL PROCEEDINGS.--The board is authorized to take any action necessary to enforce the rules, and the provisions and requirements of the reimbursement contract, required by and adopted pursuant to this section.

(12) FEDERAL OR MULTISTATE CATASTROPHIC FUNDS.--Upon the creation of a federal or multistate catastrophic insurance or reinsurance program intended to serve purposes similar to the purposes of the fund created by this section, the State Board of Administration shall promptly make recommendations to the Legislature for coordination with the federal or multistate program, for termination of the fund, or for such other actions as the board finds appropriate in the circumstances.

(13) REVERSION OF FUND ASSETS UPON TERMINATION.--The fund and the duties of the board under this section may be terminated only by law. Upon termination of the fund, all assets of the fund shall revert to the General Revenue Fund.

(14) SEVERABILITY.--If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

(15) COLLATERAL PROTECTION INSURANCE.--As used in this section and ss. 627.311 and 627.351, the term "collateral protection insurance" means commercial property insurance of which a creditor is the primary beneficiary and policyholder and which protects or covers an interest of the creditor arising out of a credit transaction secured by real or personal property. Initiation of such coverage is triggered by the mortgagor's failure to maintain insurance coverage as required by the mortgage or other lending document. Collateral protection insurance is not residential coverage.

Section 2. Section 215.556, Florida Statutes, is amended to read:

215.556 Exemption.--The Florida Hurricane Insurance ~~Catastrophe~~ Fund created by s. 215.555 is exempt from the deduction required by s. 215.20(1).

Section 3. Section 215.558, Florida Statutes, is created to read:

215.558 Florida Hurricane Damage Prevention Endowment.--

(1) PURPOSE AND INTENT.--The purpose of this section is to provide a continuing source of funding for financial incentives to encourage residential property owners of this state to retrofit their properties to make them less vulnerable to hurricane damage, to help decrease the cost of residential property and casualty insurance, and to provide matching funds to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties. It is the intent of the Legislature that this section be construed liberally to effectuate its purpose.

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

(a) "Board" means the State Board of Administration.

(b) "Corpus" means the money that has been appropriated to the endowment by the 2006 Legislature, together with any amounts subsequently appropriated to the endowment that are specifically designated as contributions to the corpus and any grants, gifts, or donations to the endowment that are specifically designated as contributions to the corpus.

(c) "Earnings" means any money in the endowment in excess of the corpus, including any income generated by investments, any increase in the market value of investments net of decreases in market value, and any appropriations, grants, gifts, or donations to the endowment not specifically designated as contributions to the corpus.

(d) "Endowment" means the Florida Hurricane Damage Prevention Endowment created by this section.

(e) "Program administrator" means the Department of Financial Services.

(3) ADMINISTRATION.--

(a) The board shall invest endowment assets as provided in this section.

(b) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with board policy.

(c) The investment objective shall be long-term preservation of the value of the corpus and a specified regular annual cash outflow for appropriation, as nonrecurring revenue, for the purposes specified in subsection (4).

(d) In accordance with s. 215.44, the board shall report on the financial status of the endowment in its annual investment report to the Legislature.

(e) Costs and fees of the board for investment services shall be deducted from the assets of the endowment.

(4) FINANCIAL INCENTIVES FOR RESIDENTIAL HURRICANE DAMAGE PREVENTION ACTIVITIES.--

(a) Not less than 80 percent of the net earnings of the endowment shall be expended for financial incentives to residential property owners as described in paragraph (b), and no more than the remainder of the net earnings of the endowment shall be expended for matching fund grants to local governments and nonprofit entities for projects that will reduce hurricane damage to residential properties as described in paragraph (c). Any funds authorized for expenditure but not expended for these purposes shall be returned to the endowment.

(b)1. The program administrator, by rule, shall establish a request for a proposal process to annually solicit proposals from lending institutions under which the lending institution will provide interest-free loans to homestead property owners to pay for inspections of homestead property to determine what mitigation measures are needed and for improvements to existing residential properties intended to reduce the homestead property's vulnerability to hurricane damage, in exchange for funding from the endowment.

2. In order to qualify for funding under this paragraph, an interest-free loan program must include an inspection of homestead property to determine what mitigation measures are needed, a means for verifying that the improvements to be paid for from loan proceeds have been demonstrated to reduce a homestead property's vulnerability to hurricane damage, and a means for verifying that the proceeds were actually spent on such improvements. The program must include a method for awarding loans according to the following priorities:

a. The highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, located in the areas designated as high-risk areas for purposes of coverage by the Citizens Property Insurance Corporation.

b. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, covered by the Citizens Property Insurance Corporation, wherever located.

c. The next highest priority must be given to single-family owner-occupied homestead dwellings, insured at $500,000 or less, that are more than 40 years old.

d. The next highest priority must be given to all other single-family owner-occupied homestead dwellings insured at $500,000 or less.

3. The program administrator shall evaluate proposals based on the following factors:

a. The degree to which the proposal meets the requirements of subparagraph 2.

b. The lending institution's plan for marketing the loans.

c. The anticipated number of loans to be granted relative to the total amount of funding sought.

4. The program administrator shall annually solicit proposals from local governments and nonprofit entities for projects that will reduce hurricane damage to homestead properties. The program administrator may provide up to 50 percent of the funding for such projects. The projects may include educational programs, repair services, property inspections, and hurricane vulnerability analyses and such other projects as the program administrator determines to be consistent with the purposes of this section.

(5) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to its administration of the endowment. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university selected by the Financial Services Commission who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives selected by the Speaker of the House of Representatives.

(f) Two members of the Senate selected by the President of the Senate.

(g) The senior officer of the Florida Hurricane Catastrophe Fund.

(h) The executive director of Citizens Property Insurance Corporation.

(i) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

Section 4. Section 215.5586, Florida Statutes, is created to read:

215.5586 Florida Comprehensive Hurricane Damage Mitigation Program.--There is established within the Department of Financial Services the Florida Comprehensive Hurricane Damage Mitigation Program. The program shall be administered by an individual with prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.--

(a) Free home-retrofit inspections of site-built, residential property, including single-family, two-family, three-family, or four-family residential units, shall be offered to determine what mitigation measures are needed and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall establish a request for proposals to solicit proposals from wind certification entities to provide at no cost to homeowners wind certification and hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies corrective actions a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the mitigation features.

3. Insurer-specific information regarding premium discounts correlated to recommended mitigation features identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities.

(b) To qualify for selection by the department as a provider of wind certification and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use wind certification and hurricane mitigation inspectors who:

a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures.

b. Have undergone drug testing and background checks.

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

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

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

(a) To be eligible for a grant, a residential property must:

1. Have been granted a homestead exemption under chapter 196.

2. Be a dwelling with an insured value of $500,000 or less.

3. Have undergone an acceptable wind certification and hurricane mitigation inspection.

A residential property which is part of a multi-family residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

(b) All grants must be matched on a dollar-for-dollar basis for a total of $10,000 for the mitigation project with the state's contribution not to exceed $5,000.

(c) The program shall create a process in which mitigation contractors agree to participate and seek reimbursement from the state and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection of up to at least 10 percent of all projects.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property.

(3) LOANS.--Financial incentives shall be provided as authorized by s. 215.558.

(4) EDUCATION AND CONSUMER AWARENESS.--Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.

(5) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the program administrator with regard to his or her administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(6) RULES.--The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 governing the Florida Comprehensive Hurricane Damage Mitigation Program.

Section 5. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.--

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

~~(3) By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. Funding for the program shall be used to subsidize or guaranty private sector loans for this purpose to qualified homeowners by financial institutions chartered by the state or Federal Government. The department may enter into contracts with financial institutions for this purpose. The department shall establish criteria for determining eligibility for the loans and selecting recipients, standards for retrofitting homes or mobile homes,~~

~~limitations on loan subsidies and loan guaranties, and other terms and conditions of the program, which must be specified in the department's report to the Legislature on January 1, 2006, required by subsection (8). For the 2005-2006 fiscal year, the Department of Community Affairs may use up to $1 million of the funds appropriated pursuant to paragraph (2)(a) to begin the low interest loan program as a pilot project in one or more counties. The Department of Financial Services, the Office of Financial Regulation, the Florida Housing Finance Corporation, and the Office of Tourism, Trade, and Economic Development shall assist the Department of Community Affairs in establishing the program and pilot project. The department may use up to 2.5 percent of the funds appropriated in any given fiscal year for administering the loan program. The department may adopt rules to implement the program.~~

(3)(a)~~(4)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (6) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(b)1. There is created the Manufactured Housing and Mobile Home Hurricane Mitigation Program. The program shall require the mitigation of damage to homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation shall include, but not be limited to, problems associated with weakened trusses, studs, and other structural components, site-built additions, or tie-down systems and may also address any other issues deemed appropriate by the Department of Community Affairs upon consultation with the Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program may include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall include the offering of a matching grant to owners of manufactured and mobile homes manufactured after 1993 only. Homeowners accepted for the program shall be eligible to qualify for a $5,000 dollar-for-dollar matching grant in which the homeowner may receive up to $2,500 in state moneys. The moneys appropriated for this program shall be distributed directly to the Department of Community Affairs for the uses set forth under this paragraph.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium shall be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation shall reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew.

4. On or before January 1 of each year, the Department of Community Affairs shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall set forth the number of manufactured homes and mobile homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured homes or mobile homes and attachments to such homes, and whether there has been an increase of availability of insurance products to owners of manufactured homes or mobile homes.

(4)~~(5)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (6) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (8).

(5)~~(6)~~ The Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association.

(6)~~(7)~~ Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(7)~~(8)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(8)~~(9)~~ This section is repealed June 30, 2011.

Section 6. Subsection (10) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.--

(10) Each insurer or insurer group doing business in this state shall file on a quarterly basis in conjunction with financial reports required by paragraph (1)(a) a supplemental report on an individual and group basis on a form prescribed by the commission with information on personal lines and commercial lines residential property insurance policies in this state. The supplemental report shall include separate information for personal lines property policies and for commercial lines property policies and totals for each item specified, including premiums written for each of the property lines of business as described in ss. 215.555(2)(f)~~(e)~~ and 627.351(6)(a). The report shall include the following information for each county on a monthly basis:

(a) Total number of policies in force at the end of each month.

(b) Total number of policies canceled.

(c) Total number of policies nonrenewed.

(d) Number of policies canceled due to hurricane risk.

(e) Number of policies nonrenewed due to hurricane risk.

(f) Number of new policies written.

(g) Total dollar value of structure exposure under policies that include wind coverage.

(h) Number of policies that exclude wind coverage.

Section 7. Subsection (3) of section 624.5091, Florida Statutes, is amended to read:

624.5091 Retaliatory provision, insurers.--

(3) This section does not apply as to personal income taxes, nor as to sales or use taxes, nor as to ad valorem taxes on real or personal property, nor as to reimbursement premiums paid to the Florida Hurricane Insurance ~~Catastrophe~~ Fund, nor as to emergency assessments paid to the Florida Hurricane Insurance ~~Catastrophe~~ Fund, nor as to special purpose obligations or assessments imposed in connection with particular kinds of insurance other than property insurance, except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration by the department in determining the propriety and extent of retaliatory action under this section.

Section 8. Subsection (5) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.--

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida

Hurricane Insurance ~~Catastrophe~~ Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Insurance ~~Catastrophe~~ Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Insurance ~~Catastrophe~~ Fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

Section 9. Paragraph (c) of subsection (1), paragraphs (b) and (f) of subsection (2), and paragraph (b) of subsection (3) of section 627.0628, Florida Statutes, are amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.--

(1) LEGISLATIVE FINDINGS AND INTENT.--

(c) It is the intent of the Legislature to create the Florida Commission on Hurricane Loss Projection Methodology as a panel of experts to provide the most actuarially sophisticated guidelines and standards for projection of hurricane losses possible, given the current state of actuarial science. It is the further intent of the Legislature that such standards and guidelines must be used by the State Board of Administration in developing reimbursement premium rates for the Florida Hurricane Insurance ~~Catastrophe~~ Fund, and, subject to paragraph (3)(c), may be used by insurers in rate filings under s. 627.062 unless the way in which such standards and guidelines were applied by the insurer was erroneous, as shown by a preponderance of the evidence.

(2) COMMISSION CREATED.--

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Insurance ~~Catastrophe~~ Fund.

3. The Executive Director of the Citizens Property Insurance Corporation.

4. The Director of the Division of Emergency Management of the Department of Community Affairs.

5. The actuary member of the Florida Hurricane Insurance ~~Catastrophe~~ Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer which was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

(f) The State Board of Administration shall, as a cost of administration of the Florida Hurricane Insurance ~~Catastrophe~~ Fund, provide for travel, expenses, and staff support for the commission.

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.--

(b) In establishing reimbursement premiums for the Florida Hurricane Insurance ~~Catastrophe~~ Fund, the State Board of Administration must, to the extent feasible, employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable.

Section 10. Subsection (10) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.--

(10) A property insurance rate filing that includes any adjustments related to premiums paid to the Florida Hurricane Insurance ~~Catastrophe~~ Fund must include a complete calculation of the insurer's catastrophe load, and the information in the filing may not be limited solely to recovery of moneys paid to the fund.

Section 11. Paragraph (b) of subsection (2) and paragraphs (b), (c), (k), and (l) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.--

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners' multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) Effective July 1, 2002, the association shall operate subject to the supervision and approval of a board of governors who are the same individuals that have been appointed by the Treasurer to serve on the board of governors of the Citizens Property Insurance Corporation.

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-subparagraph (I) or sub-sub-subparagraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-subparagraph (6)(b)3.a. or sub-subparagraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the

association from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of $20 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. The association may require arbitration of a rate filing under s. 627.062(6). It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The association shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. If the risk accepts an offer of coverage through the market assistance program or through a mechanism established by the association, either before the policy is issued by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the association is not currently appointed by the insurer, the insurer shall:

(I) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(II) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I). Subject to the provisions of s. 627.3517, the policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. When the association enters into a contractual agreement for a take-out plan, the producing agent of record of the association policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(I) Pay to the producing agent of record of the association policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the association; or

(II) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue

bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Insurance ~~Catastrophe~~ Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (6)(g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Insurance ~~Catastrophe~~ Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Insurance ~~Catastrophe~~ Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as "assessable insurers." Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers, but insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as "assessable insureds." An authorized insurer's assessment liability shall begin on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and shall terminate 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into three separate accounts as follows:

(I) A personal lines account for personal residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(II) A commercial lines account for commercial residential policies issued by the corporation or issued by the Residential Property and Casualty Joint Underwriting Association and renewed by the corporation that provide coverage for basic property perils on risks that are not located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for such policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(III) A high-risk account for personal residential policies and commercial residential and commercial nonresidential property policies issued by the

corporation or transferred to the corporation that provide coverage for the peril of wind on risks that are located in areas eligible for coverage in the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The high-risk account must also include quota share primary insurance under subparagraph (c)2. The area eligible for coverage under the high-risk account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property. The office may remove territory from the area eligible for wind-only and quota share coverage if, after a public hearing, the office finds that authorized insurers in the voluntary market are willing and able to write sufficient amounts of personal and commercial residential coverage for all perils in the territory, including coverage for the peril of wind, such that risks covered by wind-only policies in the removed territory could be issued a policy by the corporation in either the personal lines or commercial lines account without a significant increase in the corporation's probable maximum loss in such account. Removal of territory from the area eligible for wind-only or quota share coverage does not alter the assignment of wind coverage written in such areas to the high-risk account.

b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. When the financing obligations are no longer outstanding, in accordance with the terms of the corresponding financing documents, the corporation may use a single account for all revenues, assets, liabilities, losses, and expenses of the corporation.

c. Creditors of the Residential Property and Casualty Joint Underwriting Association shall have a claim against, and recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II) and shall have no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association shall have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and shall have no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. No part of the income of the corporation may inure to the benefit of any private person.

3. With respect to a deficit in an account:

a. When the deficit incurred in a particular calendar year is not greater than 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (g) and assessable insureds.

b. When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph (g) and on assessable insureds in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining deficit shall be recovered through emergency assessments under sub-subparagraph d.

c. Each assessable insurer's share of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. shall be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. or sub-subparagraph b. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraphs a. and b. shall be paid as required by the corporation's plan of operation and paragraph (g). Assessments levied by the corporation on assessable insureds under sub-subparagraphs a. and b. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to the Florida Surplus Lines Service Office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

d. Upon a determination by the board of governors that a deficit in an account exceeds the amount that will be recovered through regular assessments under sub-subparagraph a. or sub-subparagraph b., the board shall levy, after verification by the office, emergency assessments, for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and shall be paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessments so collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and shall be held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account under this sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and for all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit.

e. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Insurance ~~Catastrophe~~ Fund, other insurance and reinsurance recoverables, market equalization surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (g), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes regular assessments under sub-subparagraph a., sub-subparagraph b., or subparagraph (g)1. and emergency assessments under sub-subparagraph d. Emergency assessments collected under sub-subparagraph d. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments under sub-subparagraph d. shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or other indebtedness.

f. As used in this subsection, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds on

real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners multiperil, commercial multiperil, and mobile homes, and including liability coverage on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1) other than insurance on mobile homes used as permanent dwellings.

g. The Florida Surplus Lines Service Office shall determine annually the aggregate statewide written premium in subject lines of business procured by assessable insureds and shall report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

h. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular assessments and emergency assessments levied under this subparagraph on assessable insureds and shall assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Insurance ~~Catastrophe~~ Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Insurance ~~Catastrophe~~ Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g) 2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Insurance ~~Catastrophe~~ Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the

State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of 8 individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board, as recommended by the Chief Financial Officer, and serve at the pleasure of the board. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board and the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that

account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b) 3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(k) Upon a determination by the office that the conditions giving rise to the establishment and activation of the corporation no longer exist, the corporation is dissolved. Upon dissolution, the assets of the corporation shall be applied first to pay all debts, liabilities, and obligations of the corporation, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the corporation shall become property of the state and shall be deposited in the Florida Hurricane Insurance ~~Catastrophe~~ Fund. However, no dissolution shall take effect as long as the corporation has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(l)1. Effective July 1, 2002, policies of the Residential Property and Casualty Joint Underwriting Association shall become policies of the corporation. All obligations, rights, assets and liabilities of the Residential Property and Casualty Joint Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them become those of the corporation as of July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

2. Effective July 1, 2002, policies of the Florida Windstorm Underwriting Association are transferred to the corporation and shall become policies of the corporation. All obligations, rights, assets, and liabilities of the Florida Windstorm Underwriting Association, including bonds, note and debt obligations, and the financing documents pertaining to them are transferred to and assumed by the corporation on July 1, 2002. The corporation is not required to issue endorsement or certificates of assumption to insureds during the remaining term of in-force transferred policies.

3. The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall take all actions as may be proper to further evidence the transfers and shall provide the documents and instruments of further assurance as may reasonably be requested by the corporation for that purpose. The corporation shall execute assumptions and instruments as the trustees or other parties to the financing documents of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association may reasonably request to further evidence the transfers and assumptions, which transfers and assumptions, however, are effective on the date provided under this paragraph whether or not, and regardless of the date on which, the assumptions or instruments are executed by the corporation. Subject to the relevant financing documents pertaining to their outstanding bonds, notes, indebtedness, or other financing obligations, the moneys, investments, receivables, choses in action, and other intangibles of the Florida Windstorm Underwriting Association shall be credited to the high-risk account of the corporation, and those of the personal lines residential coverage account and the commercial lines residential coverage account of the Residential Property and Casualty Joint Underwriting Association shall be credited to the personal lines account and the commercial lines account, respectively, of the corporation.

4. Effective July 1, 2002, a new applicant for property insurance coverage who would otherwise have been eligible for coverage in the Florida Windstorm Underwriting Association is eligible for coverage from the corporation as provided in this subsection.

5. The transfer of all policies, obligations, rights, assets, and liabilities from the Florida Windstorm Underwriting Association to the corporation and the renaming of the Residential Property and Casualty Joint Underwriting Association as the corporation shall in no way affect the coverage with respect to covered policies as defined in s. 215.555(2)~~(c)~~ provided to these entities by the Florida Hurricane Insurance ~~Catastrophe~~ Fund. The coverage

provided by the Florida Hurricane Insurance ~~Catastrophe~~ Fund to the Florida Windstorm Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be redesignated as coverage for the high-risk account of the corporation. Notwithstanding any other provision of law, the coverage provided by the Florida Hurricane Insurance ~~Catastrophe~~ Fund to the Residential Property and Casualty Joint Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter shall be transferred to the personal lines account and the commercial lines account of the corporation. Notwithstanding any other provision of law, the high-risk account shall be treated, for all Florida Hurricane Insurance ~~Catastrophe~~ Fund purposes, as if it were a separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. Likewise, the personal lines and commercial lines accounts shall be viewed together, for all Florida Hurricane Insurance ~~Catastrophe~~ Fund purposes, as if the two accounts were one and represent a single, separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. The coverage provided by the Florida Hurricane Insurance ~~Catastrophe~~ Fund to the corporation shall constitute and operate as a full transfer of coverage from the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting to the corporation.

Section 12. Paragraph (d) of subsection (6) of section 627.701, Florida Statutes, is amended to read:

627.701 Liability of insureds; coinsurance; deductibles.--

(6)

(d) The office shall draft and formally propose as a rule the form for the certificate of security. The certificate of security may be issued in any of the following circumstances:

1. A mortgage lender or other financial institution may issue a certificate of security after granting the applicant a line of credit, secured by equity in real property or other reasonable security, which line of credit may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss. In the sole discretion of the mortgage lender or other financial institution, the line of credit may be issued to an applicant on an unsecured basis.

2. A licensed insurance agent may issue a certificate of security after obtaining for an applicant a line of credit, secured by equity in real property or other reasonable security, which line of credit may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss. The Florida Hurricane Insurance ~~Catastrophe~~ Fund shall negotiate agreements creating a financing consortium to serve as an additional source of lines of credit to secure deductibles. Any licensed insurance agent may act as the agent of such consortium.

3. Any person qualified to act as a trustee for any purpose may issue a certificate of security secured by a pledge of assets, with the restriction that the assets may be drawn on only to pay for the deductible portion of insured construction or reconstruction after a hurricane loss.

4. Any insurer, including any admitted insurer or any surplus lines insurer, may issue a certificate of security after issuing the applicant a policy of supplemental insurance that will pay for 100 percent of the deductible portion of insured construction or reconstruction after a hurricane loss.

5. Any other method approved by the office upon finding that such other method provides a similar level of security as the methods specified in this paragraph and that such other method has no negative impact on residential property insurance catastrophic capacity. The legislative intent of this subparagraph is to provide the flexibility needed to achieve the public policy of expanding property insurance capacity while improving the affordability of property insurance.

Section 13. Paragraph (a) of subsection (3) of section 627.7077, Florida Statutes, is amended to read:

627.7077 Florida Sinkhole Insurance Facility and other matters related to affordability and availability of sinkhole insurance; feasibility study.--

(3) The feasibility study shall, at a minimum, address the following issues:

(a) Where the facility should be housed, including, but not limited to, the options of creating a separate facility or using the Citizens Property Insurance Corporation or the Florida Hurricane Insurance ~~Catastrophe~~ Fund.

Section 14. Citizens Property Insurance Corporation wind-storm coverage will sunset January 1, 2010. Beginning January 1, 2007, all windstorm coverage provided through Citizens Property Insurance Corporation will be phased out and coverage will be provided through the Florida Catastrophe Fund.

Section 15. Sales tax revenues generated as estimated by the Office of Economic and Demographic Research due to hurricane damages and rebuilding shall be used as follows:

(1) Fifty percent of sales tax collection shall be deposited in the Florida Catastrophe Fund.

(2) Fifty percent of sales tax collection shall be deposited in the "Protect Our Homes" Mitigation Fund.

Section 16. Section 350.061, Florida Statutes, is transferred, renumbered as section 11.402, Florida Statutes, and amended to read:

11.402 ~~350.061~~ Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Committee on Public Service Commission Oversight shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Office of Insurance Regulation. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Committee on Public Service Commission Oversight, subject to biennial reconfirmation by the committee. The Public Counsel shall perform his or her duties independently. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he or she shall first resign from his or her office or employment.

Section 17. Section 350.0611, Florida Statutes, is transferred, renumbered as section 11.403, Florida Statutes, and amended to read:

11.403 ~~350.0611~~ Public Counsel; duties and powers.--It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Public Service Commission and the Office of Insurance Regulation ~~commission~~ and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the Public Service Commission ~~commission~~ or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties.~~,~~

(2) To recommend to the Office of Insurance Regulation, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the office relating to:

(a) Rules governing residential property insurance; or

(b) Rate filings for residential property insurance which, pursuant to standards determined by the office, request an average statewide rate increase of 10 percent or greater as compared to the current rates in effect or the rates in effect 12 months prior to the proposed effective date. The Public Counsel may not stay any final order of the Office of Insurance Regulation.

(3) To ~~and~~ urge in any proceeding or action to which he or she is a party ~~therein~~ any position that ~~which~~ he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission, ~~or~~ the counties, or the office, and use ~~utilize~~ therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission, ~~or~~ the counties, or the office, which shall be reviewable by summary procedure in the circuit courts of this state.~~;~~

(4)~~(2)~~ To have access to and use of all files, records, and data of the commission, ~~or~~ the counties, or the office, available to any other attorney representing parties in a proceeding before the commission or the counties.~~;~~

(5)~~(3)~~ In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission, ~~or~~ the counties, or the office, or of any hearing examiner designated by the commission, ~~or~~ the counties, or the office, in the name of the state or its citizens.~~;~~

(6)~~(4)~~ To prepare and issue reports, recommendations, and proposed orders to the commission or office, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission or office, and to make such recommendations as he or she deems appropriate for legislation relative to commission or office procedures, rules, jurisdiction, personnel, and functions.~~; and~~

(7)~~(5)~~ To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission or office, in the name of the state or its citizens.

Section 18. Section 350.0612, Florida Statutes, is transferred, renumbered as section 11.404, Florida Statutes, and amended to read:

11.404 ~~350.0612~~ Public Counsel; location.--The Public Counsel shall maintain his or her office in Leon County ~~on the premises of the commission or, if suitable space there cannot be provided,~~ at such ~~other~~ place convenient to the offices of the Public Services Commission or the Office of Insurance Regulation ~~commissioners~~ as will enable him or her to carry out expeditiously the duties and functions of his or her office.

Section 19. Subsection (1) of section 408.40, Florida Statutes, is amended to read:

408.40 Public Counsel.--

(1) Notwithstanding any other provisions of this chapter, the Public Counsel shall represent the public in any proceeding before the agency or its advisory panels in any administrative hearing conducted pursuant to chapter 120 or before any other state and federal agencies and courts in any issue before the agency, any court, or any agency. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may use the powers granted to him or her by ss. 11.402-11.404 and ss. 350.0613 ~~350.061~~-350.0614.

Section 20. Subsection (3) of section 109 of chapter 2000-141, Laws of Florida, is amended to read:

Section 109. The Legislature has reviewed the Florida Building Code that was adopted by action of the Florida Building Commission on February 15, 2000, and that was noticed for rule adoption by reference in Rule 9B-3.047, F.A.C., on February 18, 2000, in the Florida Administrative Weekly on page 731. The Florida Building Commission is directed to continue the process to adopt the code, pursuant to section 120.54(3), Florida Statutes, and to incorporate the following provisions or standards for the State of Florida:

(3) For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, Florida Statutes, the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition as implemented by the International Building Code, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code. ~~However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne debris requirements adopted by the commission.~~ The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

The Legislature declares that changes made to the proposed Rule 9B-3.047, Florida Administrative Code, to implement the requirements of this act prior to October 1, 2000, are not subject to rule challenges under section 120.56, Florida Statutes. However, the entire rule, adopted pursuant to s. 120.54(3), Florida Statutes, as amended after October 1, 2000, is subject to rule challenges under s. 120.56, Florida Statutes.

Section 21. Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.--

(1) TASK FORCE CREATED.--There is created the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.

(2) ADMINISTRATION.--The task force shall be administratively housed within the Office of Insurance Regulation but shall operate independently of any state officer or agency. The office shall provide such administrative support as the task force deems necessary to accomplish its mission and shall provide necessary funding for the task force within the office's existing resources. The Executive Office of the Governor, the Department of Financial Services, the Office of Insurance Regulation, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs shall provide substantive staff support for the task force.

(3) MEMBERSHIP.--The members of the task force shall be appointed as follows:

(a) The Governor shall appoint two members who have expertise in financial matters, one of whom is a representative of the mobile or manufactured home industry and one of whom is a representative of insurance consumers.

(b) The Chief Financial Officer shall appoint two members who have expertise in financial matters, one of whom is a representative of a property insurer writing mobile or manufactured homeowners insurance in this state and one of whom is a representative of insurance agents.

(c) The President of the Senate shall appoint one member.

(d) The Speaker of the House of Representatives shall appoint one member.

(e) The Commissioner of Insurance Regulation or his or her designee shall serve as an ex officio voting member of the task force.

(f) The Executive Director of Citizens Property Insurance or his or her designee shall serve as an ex officio voting member of the task force.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Incorporated or his or her designee shall serve as an ex officio voting member of the task force.

Members of the task force shall serve without compensation but may receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(4) PURPOSE AND INTENT.--The Legislature recognizes the continued availability of hurricane insurance coverage for mobile and manufactured home owners in this state is essential to the state's economic survival. The Legislature further recognizes hurricane mitigation measures and building codes may reduce the likelihood or amount of damage to mobile or manufactured homes in the event of a hurricane. The Legislature further recognizes mobile and manufactured homes provide safe and affordable housing to many residents of this state. The purpose of the task force is to make recommendations to the legislative and executive branches of this state's government relating to the creation and maintenance of insurance capacity in the private sector and public sector that is sufficient to ensure that all mobile and manufactured home owners in this state are able to obtain appropriate insurance coverage for hurricane losses and relating to the effectiveness of hurricane mitigation measures for mobile or manufactured homes as further described in this section.

(5) SPECIFIC TASKS.--The task force shall conduct such research and hearings as the task force deems necessary to achieve the purposes specified in subsection (4) and shall develop information on relevant issues, including, but not limited to, the following issues:

(a) Whether this state currently has sufficient hurricane insurance capacity for mobile and manufactured homes to ensure the continuation of a healthy, competitive marketplace, taking into consideration private-sector and public-sector resources.

(b) Identifying the future demands on the hurricane insurance capacity of this state, taking into account population growth, coastal growth, and anticipated future hurricane activity.

(c) Identifying how many mobile or manufactured homes are occupied in this state, how many mobile or manufactured homes are occupied by owners who also own the land to which the unit is attached, the age or average age of mobile or manufactured homes, the location of such homes, and the size of such homes.

(d) The extent to which the growth in insurance on mobile or manufactured homes in Citizens Property Insurance Corporation is attributable to insufficient insurance capacity.

(e) The extent to which the growth trends of Citizens Property Insurance Corporation create long-term problems for mobile and manufactured home owners in this state and for other persons and businesses that depend on a viable market.

(f) The extent to which insurance discounts, credits, or other rate differentials or reductions in the hurricane insurance deductible for a mobile or manufactured homeowner who takes mitigative measures would increase hurricane insurance capacity for mobile or manufactured homeowners.

(g) The extent hurricane mitigation enhancements to mobile or manufactured homes decreases the likelihood of damage from a hurricane or decreases the amount of damage from a hurricane.

(h) The extent to which the building codes reduce the likelihood of damage or amount of damage to mobile or manufactured homes.

(6) REPORT AND RECOMMENDATIONS.--By January 1, 2007, the task force shall provide a report containing findings relating to the tasks identified in subsection (5) and recommendations consistent with the purposes of this section and also consistent with such findings. The task force shall submit the report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives. The task force may also submit such interim reports as the task force deems appropriate.

(7) EXPIRATION.--The task force shall expire on January 2, 2007.

Section 22. By January 1, 2007, the Office of Insurance Regulation shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. In preparing the report, the office shall consult with the Department of Highway Safety and Motor Vehicles, the Department of Community Affairs, the Florida Building Commission, the Florida Home Builders Association, representatives of the mobile and manufactured home industry, representatives of the property and casualty insurance industry, and any other party the office determines is appropriate. The report shall include findings and recommendations on the insurability of attached or free standing structures to residential homes, mobile, or manufactured homes, such as carports or pool enclosures; the increase or decrease in insurance costs associated with insuring such structures; the feasibility of insuring such structures; the impact on homeowners of not having insurance coverage for such structures; the ability of mitigation measures relating to such structures to reduce risk and loss; and such other related information as the office determines is appropriate for the Legislature to consider.

Section 23. (1) The Office of Insurance Regulation, in consultation with the Department of Community Affairs, the Department of Financial Services, the Federal Alliance for Safe Homes, the Florida Insurance Council, the Florida Home Builders Association, the Florida Manufactured Housing Association, the Risk and Insurance Department of Florida State University, and the Institute for Business and Homes Safety, shall study and develop a program that will provide an objective rating system that will allow homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane.

(2) The rating system will be designed in a manner that is easy to understand for the property owner, based on proven readily verifiable mitigation techniques and devices, and able to be implemented based on a visual inspection program. The Department of Financial Services shall implement a pilot program for use in the Florida Comprehensive Hurricane Damage Mitigation Program.

(3) The Department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 31, 2007, detailing the nature and construction of the rating scale, its effectiveness based on implementation in a pilot program, and an operational plan for statewide implementation of the rating scale.

Section 24. (1) For fiscal year 2006-2007, the sum of $100 million is appropriated from the General Revenue Fund to the Department of Financial Services for the Florida Hurricane Damage Prevention Endowment as a nonrecurring appropriation for the purposes specified in s. 215.558, Florida Statutes.

(2) The sum of $400 million is appropriated from the General Revenue Fund to the Department of Financial Services as a nonrecurring appropriation for the purposes specified in s. 215.5586, Florida Statutes.

(3) Funds provided in subsections (1) and (2) shall be transferred by the department to the Florida Hurricane Damage Prevention Trust Fund, as created in s. 215.5585, Florida Statutes.

(4) For fiscal year 2006-2007, the recurring sum of $5 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Financial Incentives for Hurricane Damage Prevention.

(5) For fiscal year 2006-2007, the nonrecurring sum of $392.5 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Florida Comprehensive Hurricane Damage Mitigation Program. The department may spend up to 1 percent of the funds appropriated to administer the program. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the department to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the Florida Hurricane Damage Prevention Trust Fund at the end of the 2010-2011 fiscal year.

(6) For fiscal year 2006-2007, the nonrecurring sum of $7.5 million is appropriated to the Department of Community Affairs from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Florida Comprehensive Hurricane Damage Mitigation Program. The department may spend up to 5 percent of the funds appropriated to administer the Manufactured Housing and Mobile Home Hurricane Mitigation Program. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the department to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the Florida Hurricane Damage Prevention Trust Fund at the end of the 2010-2011 fiscal year.

Section 25. (1) For fiscal year 2006-2007, the sum of $920 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Financial Services for transfer to the Citizens Property Insurance Corporation to avoid regular assessments on assessable insurers, as authorized under s. 627.351(6)(b)3.b., Florida Statutes, for the 2005 Plan Year deficit. The board of governors of the corporation shall use appropriated state moneys to fund that portion of the 2005 Plan Year deficit which would result in the levying of regular assessments in the commercial lines, personal lines, and high-risk accounts. The transfer made by the department to the corporation shall be limited to the amount of the total regular assessments that were authorized by law to cover the 2005 Plan Year deficit. Any unused and remaining funds in this appropriation shall revert to the General Revenue Fund.

(2) The corporation shall amortize over a 10-year period any emergency assessments resulting from the 2005 Plan Year deficit.

Section 26. For fiscal year 2006-2007, the sums of $250,000 in recurring funds and $425,000 in nonrecurring funds are appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services to the Office of Insurance Regulation for the purpose of carrying out reporting and administrative responsibilities of this act.

Section 27. Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.--

(1) TASK FORCE CREATED.--There is created the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes.

(2) ADMINISTRATION.--The task force shall be administratively housed within the Office of Insurance Regulation but shall operate independently of any state officer or agency. The office shall provide such administrative support as the task force deems necessary to accomplish its mission and shall provide necessary funding for the task force within the office's existing resources. The Executive Office of the Governor, the Department of Financial Services, the Office of Insurance Regulation, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs shall provide substantive staff support for the task force.

(3) MEMBERSHIP.--The members of the task force shall be appointed as follows:

(a) The Governor shall appoint two members who have expertise in financial matters, one of whom is a representative of the mobile or manufactured home industry and one of whom is a representative of insurance consumers.

(b) The Chief Financial Officer shall appoint two members who have expertise in financial matters, one of whom is a representative of a property insurer writing mobile or manufactured homeowners insurance in this state and one of whom is a representative of insurance agents.

(c) The President of the Senate shall appoint one member.

(d) The Speaker of the House of Representatives shall appoint one member.

(e) The Commissioner of Insurance Regulation or his or her designee shall serve as an ex officio voting member of the task force.

(f) The Executive Director of Citizens Property Insurance or his or her designee shall serve as an ex officio voting member of the task force.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Incorporated or his or her designee shall serve as an ex officio voting member of the task force.

Members of the task force shall serve without compensation but may receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(4) PURPOSE AND INTENT.--The Legislature recognizes the continued availability of hurricane insurance coverage for mobile and manufactured home owners in this state is essential to the state's economic survival. The Legislature further recognizes hurricane mitigation measures and building codes may reduce the likelihood or amount of damage to mobile or manufactured homes in the event of a hurricane. The Legislature further recognizes mobile and manufactured homes provide safe and affordable housing to many residents of this state. The purpose of the task force is to make recommendations to the legislative and executive branches of this state's government relating to the creation and maintenance of insurance capacity in the private sector and public sector that is sufficient to ensure that all mobile and manufactured home owners in this state are able to obtain appropriate insurance coverage for hurricane losses and relating to the effectiveness of hurricane mitigation measures for mobile or manufactured homes as further described in this section.

(5) SPECIFIC TASKS.--The task force shall conduct such research and hearings as the task force deems necessary to achieve the purposes specified in subsection (4) and shall develop information on relevant issues, including, but not limited to, the following issues:

(a) Whether this state currently has sufficient hurricane insurance capacity for mobile and manufactured homes to ensure the continuation of a healthy, competitive marketplace, taking into consideration private-sector and public-sector resources.

(b) Identifying the future demands on the hurricane insurance capacity of this state, taking into account population growth, coastal growth, and anticipated future hurricane activity.

(c) Identifying how many mobile or manufactured homes are occupied in this state, how many mobile or manufactured homes are occupied by owners who also own the land to which the unit is attached, the age or average age of mobile or manufactured homes, the location of such homes, and the size of such homes.

(d) The extent to which the growth in insurance on mobile or manufactured homes in Citizens Property Insurance Corporation is attributable to insufficient insurance capacity.

(e) The extent to which the growth trends of Citizens Property Insurance Corporation create long-term problems for mobile and manufactured home owners in this state and for other persons and businesses that depend on a viable market.

(f) The extent to which insurance discounts, credits, or other rate differentials or reductions in the hurricane insurance deductible for a mobile or manufactured homeowner who takes mitigative measures would increase hurricane insurance capacity for mobile or manufactured homeowners.

(g) The extent hurricane mitigation enhancements to mobile or manufactured homes decreases the likelihood of damage from a hurricane or decreases the amount of damage from a hurricane.

(h) The extent to which the building codes reduce the likelihood of damage or amount of damage to mobile or manufactured homes.

(6) REPORT AND RECOMMENDATIONS.--By January 1, 2007, the task force shall provide a report containing findings relating to the tasks identified in subsection (5) and recommendations consistent with the purposes of this section and also consistent with such findings. The task force shall submit the report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives. The task force may also submit such interim reports as the task force deems appropriate.

(7) EXPIRATION.--The task force shall expire on January 2, 2007.

Section 28. By January 1, 2007, the Office of Insurance Regulation shall submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. In preparing the report, the office shall consult with the Department of Highway Safety and Motor Vehicles, the Department of Community Affairs, the Florida Building Commission, the Florida Home Builders Association, representatives of the mobile and manufactured home industry, representatives of the property and casualty insurance industry, and any other party the office determines is appropriate. The report shall include findings and recommendations on the insurability of attached or free standing structures to residential homes, mobile, or manufactured homes, such as carports or pool enclosures; the increase or decrease in insurance costs associated with insuring such structures; the feasibility of insuring such structures; the impact on homeowners of not having insurance coverage for such structures; the ability of mitigation measures relating to such structures to reduce risk and loss; and such other related information as the office determines is appropriate for the Legislature to consider.

Section 29. (1) The Office of Insurance Regulation, in consultation with the Department of Community Affairs, the Department of Financial Services, the Federal Alliance for Safe Homes, the Florida Insurance Council, the Florida Home Builders Association, the Florida Manufactured Housing Association, the Risk and Insurance Department of Florida State University, and the Institute for Business and Homes Safety, shall study and develop a program that will provide an objective rating system that will allow homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane.

(2) The rating system will be designed in a manner that is easy to understand for the property owner, based on proven readily verifiable mitigation techniques and devices, and able to be implemented based on a visual inspection program. The Department of Financial Services shall implement a pilot program for use in the Florida Comprehensive Hurricane Damage Mitigation Program.

(3) The Department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 31, 2007, detailing the nature and construction of the rating scale, its effectiveness based on implementation in a pilot program, and an operational plan for statewide implementation of the rating scale.

Section 30. (1) For fiscal year 2006-2007, the sum of $100 million is appropriated from the General Revenue Fund to the Department of Financial

Services for the Florida Hurricane Damage Prevention Endowment as a nonrecurring appropriation for the purposes specified in s. 215.558, Florida Statutes.

(2) The sum of $400 million is appropriated from the General Revenue Fund to the Department of Financial Services as a nonrecurring appropriation for the purposes specified in s. 215.5586, Florida Statutes.

(3) Funds provided in subsections (1) and (2) shall be transferred by the department to the Florida Hurricane Damage Prevention Trust Fund, as created in s. 215.5585, Florida Statutes.

(4) For fiscal year 2006-2007, the recurring sum of $5 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Financial Incentives for Hurricane Damage Prevention.

(5) For fiscal year 2006-2007, the nonrecurring sum of $392.5 million is appropriated to the Department of Financial Services from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Florida Comprehensive Hurricane Damage Mitigation Program. The department may spend up to 1 percent of the funds appropriated to administer the program. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the department to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the Florida Hurricane Damage Prevention Trust Fund at the end of the 2010-2011 fiscal year.

(6) For fiscal year 2006-2007, the nonrecurring sum of $7.5 million is appropriated to the Department of Community Affairs from the Florida Hurricane Damage Prevention Trust Fund, Special Category – Florida Comprehensive Hurricane Damage Mitigation Program. The department may spend up to 5 percent of the funds appropriated to administer the Manufactured Housing and Mobile Home Hurricane Mitigation Program. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year, any obligated funds for qualified projects that are not yet disbursed shall remain with the department to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the Florida Hurricane Damage Prevention Trust Fund at the end of the 2010-2011 fiscal year.

Section 31. (1) For fiscal year 2006-2007, the sum of $920 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Financial Services for transfer to the Citizens Property Insurance Corporation to avoid regular assessments on assessable insurers, as authorized under s. 627.351(6)(b)3.b., Florida Statutes, for the 2005 Plan Year deficit. The board of governors of the corporation shall use appropriated state moneys to fund that portion of the 2005 Plan Year deficit which would result in the levying of regular assessments in the commercial lines, personal lines, and high-risk accounts. The transfer made by the department to the corporation shall be limited to the amount of the total regular assessments that were authorized by law to cover the 2005 Plan Year deficit. Any unused and remaining funds in this appropriation shall revert to the General Revenue Fund.

(2) The corporation shall amortize over a 10-year period any emergency assessments resulting from the 2005 Plan Year deficit.

Section 32. For fiscal year 2006-2007, the sums of $250,000 in recurring funds and $425,000 in nonrecurring funds are appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services to the Office of Insurance Regulation for the purpose of carrying out reporting and administrative responsibilities of this act.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2007.

======== 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 property and casualty insurance; amending s. 215.555, F.S.; revising findings and purposes; revising definitions; changing the name of the fund to the Florida Hurricane Insurance Fund; revising requirements for reimbursement contracts; providing requirements, procedures, and methodologies for policyholders to pay premiums to insurers, insurers to remit premiums to the fund, insurers to reimburse policyholders for hurricane losses, and the state to reimburse insurers from the fund for payments to policyholders; deleting a required annual appropriation from the investment income of the Florida Hurricane Catastrophe Fund for certain purposes; providing coverage limitations; providing exceptions; providing for discounted premiums to certain insurers under certain circumstances; deleting conflicting provisions; revising reimbursement premium provisions to conform; renaming the Florida Hurricane Catastrophe Fund Finance Corporation as the Florida Hurricane Insurance Fund Finance Corporation; making conforming changes; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; creating an advisory council; providing for appointment of members; specifying service without compensation; providing for per diem and travel expense reimbursements; requiring the department to adopt rules; amending. s. 215.559, F.S.; creating the Manufactured Housing and Mobile Home Hurricane Mitigation Program for certain purposes; requiring the Department of Community Affairs to develop the program in consultation with certain entities; specifying requirements of the program; specifying the program as a matching grant program for improvement of mobile homes and manufactured homes; providing for distribution of the grants to the Department of Community Affairs for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for certain manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; amending ss. 215.556, 624.424, 624.5091, 627.062, 627.0628, 627.0629, 627.351, 627.701, and 627.7077, F.S., to conform; providing a for the sunset of Citizens Property Insurance Corporation wind-storm coverage; providing for the use of sales tax revenues generated as estimated by the Office of Economic and Demographic Research; amending and renumbering ss. 350.061, 350.0611, and 350.0612, F.S.; amending provisions relating to the Office of Insurance Regulation; amending s. 408.40, F.S.; correcting a cross-reference; amending s. 109(3), ch. 2000-141, Laws of Florida; deleting a limitation subjecting certain portions of coastal counties to certain debris requirements adopted by the Florida Building Commission; creating the Task Force on Hurricane Mitigation and Hurricane Insurance for Mobile and Manufactured Homes; providing for administration by the office; specifying additional agency administrative staff; providing for appointment of task force members; requiring members to serve without compensation; providing for per diem and travel expenses; providing purpose and intent; requiring the task force to address specified issues; requiring a report to the Governor, Chief Financial Officer, and Legislature; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures ; providing

report requirements; providing duties of the office; providing appropriations; specifying uses and purposes of appropriations; providing effective dates.

Rep. Taylor moved the adoption of the substitute amendment.

Point of Order

Rep. Farkas raised a point of order under Rule 12.9(c), that the substitute amendment was the principal substance of HB 1209, which had not been reported favorably by at least one committee of reference.

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Substitute Amendment 1 to HB 7225 stated that he agreed with Rep. Farkas that the substitute amendment was the principal substance of HB 1209 and recommended that the point be well taken.

The Chair [Speaker Bense], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the substitute amendment out of order.

Rep. Gelber moved to waive the rules and take up **Substitute Amendment 1**, which had been previously ruled out of order. The motion was not agreed to. The vote was:

Session Vote Sequence: 964

Speaker Bense in the Chair.

Yeas—35

Antone	Gannon	Justice	Sands
Ausley	Gelber	Kendrick	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	Meadows	Smith
Brutus	Greenstein	Peterman	Sobel
Bucher	Henriquez	Porth	Stansel
Bullard	Holloway	Richardson	Taylor
Cusack	Jennings	Roberson	Vana
Fields	Joyner	Ryan	

Nays—85

Adams	Cretul	Homan	Poppell
Allen	Culp	Hukill	Proctor
Altman	Davis, D.	Johnson	Quinones
Ambler	Davis, M.	Jordan	Reagan
Anderson	Dean	Kottkamp	Rice
Arza	Detert	Kravitz	Rivera
Attkisson	Domino	Kreegel	Robaina
Barreiro	Evers	Kyle	Ross
Baxley	Farkas	Legg	Rubio
Bean	Flores	Littlefield	Russell
Bense	Galvano	Llorente	Sansom
Benson	Garcia	Lopez-Cantera	Simmons
Berfield	Gardiner	Mahon	Sorensen
Bilirakis	Gibson, H.	Mayfield	Stargel
Bogdanoff	Glorioso	McInvale	Traviesa
Bowen	Goldstein	Mealor	Troutman
Brown	Goodlette	Murzin	Waters
Brummer	Grant	Needelman	Williams
Cannon	Grimsley	Negron	Zapata
Carroll	Harrell	Patterson	
Clarke	Hasner	Pickens	
Coley	Hays	Planas	

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.

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

Bills and Joint Resolutions on Third Reading

On motion by Rep. Hays, consideration of **HB 127** was temporarily postponed.

Consideration of **HB 7073** was temporarily postponed.

HB 449—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, area characteristics and criteria, and area designation limitations; providing for tax credits to certain businesses; providing procedures and requirements for and limitations on tax credits; providing duties and responsibilities of the Office of Tourism, Trade, and Economic Development; providing for liability and a criminal penalty for fraudulent claim of the credit; providing limitations on corporations claiming the credit against certain taxes; authorizing the Department of Revenue to adopt rules and establish guidelines; providing for retention of the program and tax credit eligibility and amount by certain businesses for a certain time; providing for future repeal; amending ss. 220.1895 and 288.99, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; creating s. 290.0078, F.S.; authorizing Charlotte County or Charlotte County and the City of Punta Gorda to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; authorizing the office to designate an enterprise zone; providing an effective date.

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

Session Vote Sequence: 965

Speaker Bense in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 857—A bill to be entitled An act relating to the insurance premium tax; amending s. 624.509, F.S.; providing for separate taxation of certain title insurance premiums; providing a definition; providing an effective date.

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

Session Vote Sequence: 966

Speaker Bense in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

HB 1321—A bill to be entitled An act relating to entertainment industry economic development; amending s. 212.08, F.S.; providing for an entertainment industry credit of sales and use taxes paid on qualified expenditures; providing criteria, requirements, procedures, and limitations on the credit; providing for uses of the credit; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; providing for liability for fraudulent credit applications; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain tax credit and tax refund information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; revising the order of priority list of applicable credits against certain taxes; creating s. 220.192, F.S.; providing for an entertainment industry corporate income tax credit of a percentage of certain qualified expenditures; providing criteria, requirements, procedures, and limitations on the credit; providing for aggregate amounts of tax credits available; providing for uses and allocations of the credit; providing for use and carryforward of the credit; providing for transfers of the credit; providing for noncorporate distributions of tax credits; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for liability for fraudulent credit applications; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified productions, and annual reports; providing criteria and limitations for awards of tax credits; providing marketing requirements; requiring the Office of Tourism, Trade, and Economic Development and Department of Revenue to adopt rules; providing liability for reimbursement of certain costs and fees associated with fraudulent applications; providing for future repeal; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 967

Speaker Bense in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Altman, Coley

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

HB 821—A bill to be entitled An act relating to the community contribution tax credit program; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; providing an effective date.

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

Session Vote Sequence: 968

Speaker Bense in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Coley

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

HB 1079—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "qualified aircraft"; amending s. 212.08, F.S.; including qualified aircraft under certain miscellaneous exemption provisions relating to aircraft; exempting certain advertising materials distributed free of charge by mail in an envelope; creating s. 212.0801, F.S.; providing criteria, requirements, and limitations on exemptions for purchases or leases of qualified aircraft; providing an effective date.

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

Session Vote Sequence: 969

Speaker Bense in the Chair.

Yeas—114

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

Nays—6

Bucher	Gottlieb	Roberson
Gelber	Porth	Vana

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

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

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

That the following amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII
FINANCE AND TAXATION

SECTION 6. Homestead exemptions.--

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase

shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty ~~twenty-five~~ thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

ARTICLE XII
SCHEDULE

SECTION 26. Increased homestead exemption.--The amendment to Section 6 of Article VII increasing the maximum additional amount of the homestead exemption for low-income seniors shall take effect January 1, 2007.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6
ARTICLE XII, SECTION 26

INCREASED HOMESTEAD EXEMPTION.--Proposing amendment of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

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

Session Vote Sequence: 970

Speaker Bense in the Chair.

Yeas—119

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

Nays—None

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

HB 743—A bill to be entitled An act relating to agricultural usage sales and use tax exemptions; amending s. 212.0501, F.S.; excluding from application of the sales and use tax diesel fuel used in certain farming vehicles or for certain farming purposes; amending s. 212.08, F.S.; exempting from the sales and use tax electricity used for specified agricultural purposes; providing application; providing a conclusive presumption of taxable use under certain circumstances; providing an effective date.

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

Session Vote Sequence: 971

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kyle, Simmons

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

HB 421—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S.,

relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

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

Session Vote Sequence: 972

Speaker Bense in the Chair.

Yeas—118

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

Nays—1

Gelber

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

HB 69—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; providing a short title; providing legislative findings and purpose; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 973

Speaker Bense in the Chair.

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Gelber, Joyner

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

HB 507—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "low-volume irrigation" or "microirrigation"; amending s. 212.08, F.S.; including in the exemption for items in agricultural use certain agricultural machinery or farm equipment used for low-volume irrigation or microirrigation; deleting certain exemptions relating to certain equipment and fuel used in breeding poultry; providing an effective date.

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

Session Vote Sequence: 974

Speaker Bense in the Chair.

Yeas—119

Adams	Bendross-Mindingall	Bullard	Domino
Allen	Bense	Cannon	Evers
Altman	Benson	Carroll	Farkas
Ambler	Berfield	Clarke	Fields
Anderson	Bilirakis	Coley	Flores
Antone	Bogdanoff	Cretul	Galvano
Arza	Bowen	Culp	Gannon
Attkisson	Brandenburg	Cusack	Garcia
Ausley	Brown	Davis, D.	Gardiner
Barreiro	Brummer	Davis, M.	Gelber
Baxley	Brutus	Dean	Gibson, A.
Bean	Bucher	Detert	Gibson, H.

Glorioso	Justice	Negron	Ryan
Goldstein	Kendrick	Patterson	Sands
Goodlette	Kottkamp	Peterman	Sansom
Gottlieb	Kravitz	Pickens	Seiler
Grant	Kreegel	Planas	Simmons
Greenstein	Kyle	Poppell	Slosberg
Grimsley	Legg	Porth	Smith
Harrell	Littlefield	Proctor	Sobel
Hasner	Llorente	Quinones	Sorensen
Hays	Lopez-Cantera	Reagan	Stargel
Henriquez	Machek	Rice	Taylor
Holloway	Mahon	Richardson	Traviesa
Homan	Mayfield	Rivera	Troutman
Hukill	McInvale	Robaina	Vana
Jennings	Meadows	Roberson	Waters
Johnson	Mealor	Ross	Williams
Jordan	Murzin	Rubio	Zapata
Joyner	Needelman	Russell	

Nays—None

Votes after roll call:
Yeas—Stansel

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

HB 989—A bill to be entitled An act relating to motor fuel taxes; amending s. 206.41, F.S.; providing for a refund of motor fuel taxes paid on motor fuel used for certain commercial aviation purposes; providing a definition; providing an effective date.

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

Session Vote Sequence: 975

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Antone	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Flores	Kreegel	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Legg	Ryan
Bendross-Mindingall	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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1243—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

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

Session Vote Sequence: 976

Speaker Bense in the Chair.

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Goodlette
Yeas to Nays—Goodlette

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

HB 765—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12; requiring the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

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

Session Vote Sequence: 977

Speaker Bense in the Chair.

Yeas—120

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	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

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

Remarks

The Speaker recognized Rep. Joyner, 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 9:00 a.m., Friday, April 28, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 37.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 209.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 273.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 641.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 699.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 737.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1155.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1173.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7023.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7025.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7033.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7043.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7045.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7111.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7113 by the required Constitutional two-thirds vote of all members present.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

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

Rep. Berfield:

Yeas—April 25: 851, 865, 866

Nays—April 25: 864

Rep. Coley:

Yeas—April 21: 814

Rep. A. Gibson:

Nays to Yeas—April 21: 820

Rep. Johnson:

Yeas to Nays—April 25: 874

Rep. McInvale:

Yeas—April 6: 730

Nays—April 6: 731, 732

Rep. Richardson:

Yeas—April 21: 822

Rep. Rubio:

Yeas—April 26: 889

Cosponsors

HB 9—Vana

HB 21—Fields, Gottlieb

HB 23—Bogdanoff, Bucher, Cretul, Flores, Gannon, Quinones, Robaina

HB 67—Jordan

HB 97—Ambler, Traviesa

HB 141—Holloway

HB 241—Holloway, Joyner

HB 293—Poppell

HJR 353—Arza, Bilirakis, Grant, Holloway, Legg

HB 371—Vana

HB 391—Anderson, Arza

HJR 447—Murzin

HM 541—Sands

HB 561—Arza

HB 585—Stargel

HB 587—Arza

HB 661—Harrell, Traviesa

HB 679—Homan

HB 683—Arza, Lopez-Cantera

HB 765—Arza, A. Gibson, Vana

HB 795—Roberson

HB 805—Machek

HB 817—Legg

HB 821—Benson, Clarke

HB 849—Arza

HB 899—Arza

HB 911—Bucher

HB 959—Sobel

HB 971—Sands

HB 1037—Homan

HB 1079—Homan

HB 1113—Arza

HB 1123—Arza, Barreiro, Bilirakis, Brummer

HB 1125—Arza

HB 1169—D. Davis, Vana

HB 1171—Arza, Bowen, M. Davis, Grant, Lopez-Cantera

HB 1239—Sobel

HB 1251—Holloway

HB 1307—Waters

HB 1319—Arza, Russell

HB 1321—Arza

HB 1363—Antone, Bullard, Cusack, Gottlieb, Homan, Planas, Richardson

HB 1365—Homan

HB 1373—Stargel

HB 1415—Arza, Stargel

HB 1435—Arza

HB 1473—Holloway

HB 1619—Arza

HB 1623—Holloway

HB 7097—Arza

HB 7121—Harrell

HB 7139—Adams, Arza, Bucher, Joyner

HB 7159—Vana

HB 7173—Holloway, Sobel

HB 7187—Hasner

HB 7201—Arza, Stargel

HB 7225—Bilirakis, Brown, Poppell

Introduction and Reference

By Representative Ryan—

HR 9123—A resolution recognizing the month of April 2006 as "Cancer Control Awareness Month" in Florida.

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

House Resolutions Adopted by Publication

At the request of Rep. Waters—

HR 9069—A resolution recognizing the week of June 18-24, 2006, as "Humane Society Appreciation Week" in Florida.

WHEREAS, humane societies have diligently served numerous communities in the State of Florida for as many as 45 years, and

WHEREAS, there are currently 48 humane societies in Florida that serve 40 counties in the struggle against domestic animal overpopulation, working to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, stray animals present a health and safety risk for the people and animals of the state, and

WHEREAS, an estimated 800,000 or more unwanted and stray animals are euthanized annually in Florida, and

WHEREAS, through education, adoption, and promotion of spay/neuter practices, humane societies are reducing the number of companion animals euthanized in this state, and

WHEREAS, in 2004, humane societies located permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling the animal overpopulation in Florida, and

WHEREAS, humane societies are staffed by an estimated 10,000 Florida residents who unselfishly volunteer their time, energy, and expertise, NOW, THEREFORE,

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

That the humane societies across this state are commended for protecting the health, safety, and welfare of the people and animals of Florida.

BE IT FURTHER RESOLVED that the week of June 18-24, 2006, is recognized as "Humane Society Appreciation Week" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Joyner—

HR 9107—A resolution honoring the legacy of Coretta Scott King.

WHEREAS, Coretta Scott, born and reared on the farm of resourceful, hard-working parents in segregated rural Alabama, was enrolled in the New England Conservatory of Music in Boston, Massachusetts, when she met her future husband, whom she married in 1953 and with whom a year later she moved to Montgomery, Alabama, and

WHEREAS, following the arrest of Rosa Parks, Coretta Scott King took her place at the side of her husband as he rallied outraged citizens, black and white, to carry out the successful boycott of the city's buses, and

WHEREAS, sharing as a full partner in her husband's ever-broadening leadership role in the growing movement that would change the South, ripple through the nation, and reach global proportions, Mrs. King added her unique talents and skills to the cause, and soon her acclaimed Freedom Concerts were being performed throughout the nation while she became increasingly in demand as a public speaker and a participant in various international peace and justice organizations, and

WHEREAS, following the assassination of Dr. Martin Luther King, Jr., in Memphis on April 4, 1968, while she considered the couple's four children her first responsibility, Mrs. King was determined to keep his dream alive and, just four days after his death, took his place as leader of a march of 50,000 people through the streets of Memphis, and

WHEREAS, Mrs. King continued and expanded the scope of the work she had so zealously shared with her late husband, becoming widely identified with a broad array of international human rights issues, but her two major concerns were to establish the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta and to have her husband's birthday honored as a national holiday, objectives realized with the opening of the Center in 1981 and, in 1986, the first observance of January 15 as a national holiday in honor of the slain civil rights leader, and

WHEREAS, on January 30, 2006, at the age of 78, Coretta Scott King passed away and a voice that had been fervently and beautifully lifted in the cause of freedom and justice became resoundingly silent, NOW, THEREFORE,

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

That the House of Representatives joins the nation in mourning the death of Coretta Scott King, one of the world's great leaders in the crusade for the rights of all people, but derives great hope and encouragement from her life and legacy.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Bendross-Mindingall—

HR 9117—A resolution honoring the dedication and contributions of Congresswoman Carrie P. Meek.

WHEREAS, born on April 29, 1926, as the granddaughter of a slave and the daughter of former sharecroppers, Congresswoman Carrie P. Meek spent her childhood in a then-segregated Tallahassee and graduated from Florida Agricultural and Mechanical University in 1946, a time when African Americans were not permitted to attend graduate school in Florida, and

WHEREAS, after traveling north to continue her education and graduating from the University of Michigan with a master's degree, Carrie P. Meek worked as an educator at Bethune Cookman College in Daytona Beach and at her alma mater, FAMU, before moving to Miami to serve as special assistant to the vice president of Miami-Dade Community College, a segregated school at which she played a central role in pushing for integration, and

WHEREAS, active in community projects in the Miami area, Carrie P. Meek was elected as a state representative in 1979 and was the first African-American female elected to the Florida State Senate in 1982, during which time she served on the Education Appropriations Subcommittee and helped pave the way for the construction of thousands of affordable rental housing units in her district, and

WHEREAS, in 1992, Senator Meek was elected to the United States House of Representatives from Florida's 17th Congressional District, a feat which made her the first African-American lawmaker elected to represent Florida in Congress since Reconstruction, and

WHEREAS, upon taking office, Congresswoman Meek faced the task of helping her district recover from the devastation wrought by Hurricane Andrew, her efforts helping to provide $100 million in federal assistance to rebuild Dade County, NOW, THEREFORE,

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

That the House of Representatives honors Congresswoman Carrie P. Meek for her lifetime of dedication to the citizens of the State of Florida and the United States of America and recognizes her for her significant contributions that, throughout the state and the nation, have helped nurture children, strengthen communities, and improve the democratic process.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Congresswoman Meek as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Galvano—

HR 9119—A resolution recognizing April 16-22, 2006, as "Shaken Baby Syndrome Awareness Week" in Florida.

WHEREAS, government statistics show that, in 2000, unspeakable pain and suffering were inflicted upon more than 880,000 children, our nation's most vulnerable citizens, as victims of abuse and neglect, and, on an average day in the United States, four of these hapless children die, and

WHEREAS, the leading cause of death among abused children is inflicted head trauma, including that trauma known as Shaken Baby Syndrome, which occurs when a caregiver shakes a baby or young child, most frequently less than 1 year of age but in some cases as old as 5 years, with the resultant loss of vision, brain damage, paralysis, seizures, or death, and

WHEREAS, on average, 1,200 to 1,400 children in the United States are diagnosed with Shaken Baby Syndrome each year, with thousands of additional cases thought to be misdiagnosed or undetected, and substantial medical evidence seems to indicate that, even when injuries resulting from this form of abuse are moderate, such injuries and similar trauma are likely to cause learning disabilities in children and to substantially increase their vulnerability to substance abuse, and

WHEREAS, during the first few years of the life of a single child disabled by its having been shaken, medical and rehabilitation costs may amount to more than a million dollars, with annual national costs of child abuse estimated at more than $92 billion, and Florida Medicaid would likely bear some of the medical and rehabilitation costs associated with Shaken Baby Syndrome injuries, and

WHEREAS, the most effective way to end Shaken Baby Syndrome is by preventing such abuse, and, inasmuch as awareness and prevention programs have provided critically important information to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives, it is clear that the minimal costs of such programs may avert enormous medical and disability expenditures as well as untold grief for many families, and

WHEREAS, prevention programs such as the Pennsylvania and Upstate New York Shaken Baby Prevention Projects have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can effect a significant reduction in the number of Shaken Baby Syndrome cases, and

WHEREAS, training and education for child care providers and high school and middle school students who are frequently employed as paid or unpaid babysitters are also effective in helping them keep young children safe from injury, and

WHEREAS, such national groups as the National Shaken Baby Coalition, the Shaken Baby Alliance, the SKIPPER Initiative, and the National Center for Shaken Baby Syndrome are experiencing great success in their mission to educate new parents and caregivers, increase awareness among the general public and professionals, and encourage increased support for victims and their families in the health care and criminal justice systems; and the selfless commitment and Herculean efforts of those working in agencies of state, county, and local governments are making great strides toward the eradication of this and all forms of child abuse, NOW, THEREFORE,

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

That the House of Representatives commends those advocates and organizations and the agencies of state, county, and local governments that are committed to fostering an awareness among parents and caregivers of the causes, consequences, and prevention of Shaken Baby Syndrome and other inflicted abuse and recognizes April 16-22, 2006, as "Shaken Baby Syndrome Awareness Week" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Cretul—

HR 9121—A resolution designating April 27, 2006, as "Florida 4-H Day" at the Capitol.

WHEREAS, organized by the Florida Cooperative Extension System of the University of Florida's Institute of Food and Agricultural Sciences, the Florida 4-H program prepares the state's youth for the workplace and encourages them to become leaders, not only for tomorrow but also of today, and

WHEREAS, there are more than 240,000 children from 5 through 18 years of age across the state, including all 67 counties and the Seminole Tribe reservations, who participate in the Florida 4-H program and make "the best better" by participating in activities, events, and projects designed to develop and strengthen skills and talents of the young participants, and

WHEREAS, Florida 4-H participants who "learn by doing" are involved in a diverse array of projects in areas ranging from computers and community service to animal science and aeronautics, and

WHEREAS, every year, thousands of volunteers share their knowledge and time with children from across the state, and

WHEREAS, through a variety of positive programs and events, these volunteers mentor, support, and help youth make a difference in their communities, and

WHEREAS, the Florida 4-H program enables young people to grow and become participating citizens in a democracy through outstanding programs such as the Florida 4-H Legislature, Congress, and Executive Boards, and

WHEREAS, while molding itself to meet the needs of the citizens of this state, Florida 4-H focuses on the development of positive, rural, suburban, and urban youth by teaching them the essential elements of the Florida 4-H program: belonging, independence, mastery, and generosity, NOW, THEREFORE,

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

That the House of Representatives recognizes the positive contributions of the Florida 4-H program and its volunteers and designates April 27, 2006, as "Florida 4-H Day" at the Capitol.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Florida 4-H Executive Board as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 26:

The State Infrastructure Council reported the following favorably:
HB 7077 with council substitute

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

Communications

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

April 27, 2006—HB 47

Excused

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 5:33 p.m., to reconvene at 9:00 a.m., Friday, April 28, or upon call of the Chair.