The Journal OF THE House of Representatives

Number 24 **Tuesday, May 2, 2006**

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

Prayer

The following prayer was offered by Dr. Thomas A. Kinchen, President of the Baptist College of Florida in Graceville, upon invitation of Rep. Brown:

O Lord, our Lord, how excellent is Your name in all the earth. In this great state, You have created beauty and abundance beyond our imagination. You have sustained prosperity and a high quality of life beyond our comprehension. You have blessed us with a heritage of leadership beyond our ability to emulate.

From the quiet waters lapping on secluded shorelines to the cacophony of sounds in metropolitan centers, Your blessings are ever before us. Lord, You have instituted government in order that we might live safe and happy lives. Today, we pray for those assembled here, whom we have elected to carry on the business of that government. We pray that they will see our trust as a stewardship and Your direction as a beacon. When the load becomes too heavy for them and the routes seem too complex and demanding, remind them that the prophet has said that the government shall be upon Your shoulders.

Our prayer today is that You will give to each of these, our leaders and Your servants, wisdom beyond measure for their decisions that impact each of us; strength beyond their experience for work that is worthy; tenacity beyond their own capacities of life for goals that are noble; blessings beyond their ability to receive as the result of their faithfulness.

We thank You for our heritage of centuries past, and we face with great expectations our hope for centuries to come. We do each of these because of Your unfailing provision for us. Lord, we pray all of these things because You alone give us the substance of prayer, the access through prayer, and the reason for prayer. Amen.

The following members were recorded present:

Session Vote Sequence: 1055

Speaker Bense in the Chair.

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

(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: Carson Brock of Dade City at the invitation of Rep. Littlefield; Daniel Cepero of Miami at the invitation of Rep. Llorente; Mark Cleaver of Grand Island at the invitation of Rep. Hays; Brandon Combs of Ocoee at the invitation of the Speaker pro tempore; and Julian Havlicak of Tallahassee at the invitation of Rep. Russell.

House Physician

The Speaker introduced Dr. Robert Fedor of Madeira Beach, who served in the Clinic today upon invitation of Rep. Rice.

Correction of the *Journal*

The *Journal* of May 1 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense May 1, 2006

Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Tuesday, May 02, 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:

CS/SB 122 - Education Appropriations, Fasano, & others
Tuition Waivers/Purple Heart

CS/CS/SB 250 - Justice Appropriations, Judiciary, & others
Prosecution of Human Trafficking

SB 266 - Fasano
Athletic Trainers/Licensure

SB 692 - Webster, Fasano, & others
Sales Tax/School Supplies & Clothing

SB 704 - Alexander
ATM Transaction Charges

CS/SB 1086 - Governmental Oversight and Productivity, Jones, & others
Building Designations

SB 1282 - Carlton, Bullard, & others
K-8 Virtual School Program

CS/CS/SB 1322 - Criminal Justice, Regulated Industries, & others
Driver's License Penalties/Alcohol

CS/SB 1506 - Banking and Insurance, Alexander
Insurance/Electronic Statements

CS/SB 1540 - Regulated Industries, Baker
Veterinary Drug Distribution

HB 685 CS - Coley, Cretul, & others
Drug Distribution

CS/CS/SB 1556 - Judiciary, Regulated Industries, & others
Condominiums

CS/CS/SB 2060 - Community Affairs, Regulated Industries, & others
Architecture & Interior Design

CS/CS/SB 994 - General Government Appropriations, Agriculture, & others
Citrus Canker

HB 7159 CS - Agriculture Committee, Poppell, & others
Agriculture

CS/CS/SB 2728 - Transportation and Economic Development Appropriations, Commerce and Consumer Services, & others
Innovation Incentive Program

HB 1283 CS - Attkisson, Benson, & others
Innovation Incentives

CS/CS/SB 80 - Commerce and Consumer Services, Communications and Public Utilities, & others
Electronic Mail

SB 370 - Peaden
Speech-language Pathology/Audiology

SB 152 - Saunders
Property Appraiser Assessments

CS/SB 730 - Criminal Justice, Lynn, & others
Jason A. Gucwa Act

CS/CS/SB 428 - Ways and Means, Governmental Oversight and Productivity, & others
Travel Expenses/Reimbursement

CS/SB 792 - Governmental Oversight and Productivity, Government Efficiency Appropriations
DOR/Returns & Accounts Info./OGSR

CS/CS/SB 980 - Communications and Public Utilities, Community Affairs, & others
Electric Transmission & Distribution

CS/CS/SB 1090 - General Government Appropriations, Environmental Preservation, & others
Water Well Contractors

HB 1063 CS - Stansel
Regulation of Wells

CS/SB 1172 - Regulated Industries, Aronberg, & others
Dixie Cup Clary Local Control Act

SB 1284 - Fasano, Argenziano, & others
Nursing Home Consumer Information

HB 7053 CS - Elder & Long-Term Care Committee, Gibson, H.
Nursing Home Consumer Information

CS/SB 1350 - Transportation and Economic Development Appropriations, Sebesta
Dept. of Transportation

HB 1315 CS - Russell, Waters
Transportation

CS/SB 1716 - Ways and Means, Atwater
State Planning & Budgeting

CS/SB 2548 - Ways and Means, Carlton
State Financial Matters

HB 7189 CS - Finance & Tax Committee, Brummer
State Financial Matters

CS/CS/SB 2518 - Ways and Means, Governmental Oversight and Productivity, & others
Contractual Services/State Agency

CS/SB 2000 - Ethics and Elections, Posey
Ethics/Public Officers & Employees

SB 124 - Posey, Smith
Sovereign Immunity/Law Enforcement

SB 346 - Alexander
Workers' Comp./First Responders

HB 141 CS - Adams, Allen, & others
Workers' Compensation for First Responders

CS/SB 460 - Transportation and Economic Development Appropriations, Wise, & others
Specialty License Plates/Sales

HB 385 CS - Jordan

Specialty License Plates

CS/CS/SB 1080 - Judiciary, Children and Families, & others
Child Protective Services

CS/SB 1212 - Governmental Oversight and Productivity, Agriculture, & others
Agriculture/OGSR

CS/CS/SB 1286 - Health Care, Children and Families, & others
Substance Abuse & Mental Health

CS/CS/SB 1450 - Transportation and Economic Development Appropriations, Transportation, & others
Donate Organs-Pass It On Plate

SB 1408 - Health Care
Medical Records

CS/SB 1528 - Environmental Preservation, Environmental Preservation, & others
Environmental Protection

HB 7133 CS - Environmental Regulation Committee, Needelman, & others
Environmental Protection

CS/SB 1590 - Government Efficiency Appropriations, Rich, & others
Sales Tax Collection Allowance

CS/SB 1838 - Health Care, Haridopolos
Pharmacy Common Databases

CS/CS/SB 1774 - Regulated Industries, Community Affairs, & others
Building Codes

SB 1948 - Smith, Dockery
Coastal Property/Sale/Disclosures

CS/CS/SB 214 - Justice Appropriations, Criminal Justice, & others
Dart-Firing Stun Guns/Training & Use

SB 2434 - Haridopolos
Travel To Terrorist States

CS/CS/SB 716 - Judiciary, Ethics and Elections, & others
Campaign Finance

HB 7221 CS - Ethics & Elections Committee, Reagan
Campaign Financing

CS/CS/CS/SB 888 - Ways and Means, Environmental Preservation, & others
Energy

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.

Communications

The Honorable Allan G. Bense May 2, 2006
Speaker of the House of Representatives

Dear Mr. Speaker:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Report on HB 5001 have been furnished to each member of the Legislature, each member of the Cabinet, the Governor, and the Chief Justice of the Supreme Court.

Delivery was completed May 2, 2006 at 4:20 p.m., EDT.

Respectfully submitted,
John B. Phelps
Clerk of the House

Remarks

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

Bills and Joint Resolutions on Third Reading

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

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

Session Vote Sequence: 1056

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	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.

Consideration of **HJR 447** was temporarily postponed.

On motion by Rep. Rivera, consideration of **HB 1171** was temporarily postponed.

Consideration of **HB 817** was temporarily postponed.

HB 1347—A bill to be entitled An act relating to land management; creating s. 259.106, F.S.; creating the Babcock Ranch Preserve Act; providing definitions; creating the Babcock Ranch Preserve, a conservation acquisition with certain goals; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S., or a unit or entity of state government; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., relating to public records and meetings; requiring public records and meetings; providing for the corporation to be governed by a board of directors; providing for the qualifications, appointment, removal, and liability of board members and their terms of office; prohibiting any board member from voting on any measure that constitutes a conflict of interest; providing for the board members to serve without compensation, but to receive per diem and travel expenses; providing for organization and meetings; authorizing state agencies to provide state employees for purposes of implementing the Babcock Ranch Preserve; providing certain powers and duties of the corporation; providing limitations on the powers and duties of the corporation; providing that the corporation and its subsidiaries must provide equal employment opportunities; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of financially self-sustaining operation within a certain period; providing for the corporation to retain donations and other moneys; requiring that the corporation adopt articles of incorporation and bylaws subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive business plan; specifying the procedures by which the corporation shall assume the management and operation of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess reasonable fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing for an appropriation subject to specified conditions; providing an effective date.

—was read the third time by title.

Representative(s) Williams offered the following:

(Amendment Bar Code: 362353)

Amendment 5 (with title amendment)—Between lines 92 and 93 insert:

Section 1. Paragraph (b) of subsection (1) and subsections (11) and (13) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(b) Moneys ~~The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a),~~ shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(11) From the moneys specified in paragraphs (1)(e) ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, $30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. ~~Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.~~

Section 2. Effective July 1, 2007, paragraph (b) of subsection (1) and subsections (11) and (13) of section 201.15, Florida Statutes, as amended by section 1 of chapter 2005-92, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(b) Moneys ~~The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a),~~ shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

(11) From the moneys specified in paragraphs (1)(e) ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, $30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. ~~Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the~~

~~Legislature shall review the need to repeal this provision during the 2005 Regular Session.~~

Section 3. Subsection (3) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.--

(3) Everglades restoration bonds are payable from, and secured by a first lien on, taxes distributable under s. 201.15(1)(b) and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state. Everglades restoration bonds shall be secured on a parity basis with ~~are junior and subordinate to~~ bonds secured by moneys distributable under s. 201.15(1)(a).

Section 4. Paragraph (b) of subsection (2), paragraphs (e) and (f) of subsection (9), paragraph (d) of subsection (10), and paragraph (b) of subsection (11) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.--

(2)

(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed $20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list developed pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made. ~~Effective July 1, 2001,~~ Moneys in the Conservation and Recreation Lands Trust Fund also shall be used to manage lands and to pay for related costs, activities, and functions pursuant to the provisions of this section.

(9) All lands managed under this chapter and s. 253.034 shall be:

(e) Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands except those lands being acquired under the provisions of s. 259.1052, the board of trustees shall designate an agency or agencies to manage such lands. The board ~~and~~ shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.

(f) State agencies designated to manage lands acquired under this chapter except those lands acquired under s. 259.1052 may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the Conservation and Recreation Lands Trust Fund in an amount adequate for the local government or soil and water conservation district to perform its contractual land management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

(10)

(d)1. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in the priority list developed pursuant to ss. 259.101(4) and 259.105 ~~in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~ have been acquired. ~~Beginning in fiscal year 1998-1999,~~ The Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled from the Preservation 2000 Trust Fund to any budget entity or any water management district that has more than one-third of its management plans overdue.

2. The requirements of subparagraph 1. do not apply to the individual management plan for the Babcock Crescent B Ranch being acquired pursuant to s. 259.1052.

(11)

(b) An amount up to 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements not eligible for funding pursuant to s. 11(e), Art. VII of the State Constitution, and for associated contractual services, for lands acquired pursuant to this section, s. 259.101, s. 259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. Of this amount, $250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program pursuant to s. 581.185(11). Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. For the purposes of this paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency.

Section 5. Subsections (2) and (10) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.--

(2)(a) The Legislature finds and declares that:

1. The Preservation 2000 program provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development, thereby assuring present and future generations access to important open spaces and recreation and conservation lands.

2. The continued alteration and development of Florida's natural areas to accommodate the state's rapidly growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, and public beaches.

3. The potential development of Florida's remaining natural areas and escalation of land values require a continuation of government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's invaluable quality of life.

4. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

5. The needs of urban Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, greenways, and recreation properties within urban areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

6. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population. To preserve these valuable ecosystems for future generations, parcels of land must be acquired to facilitate ecosystem restoration.

7. Access to public lands to support a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an appreciation for Florida's natural assets and improves the quality of life.

8. Acquisition of lands, in fee simple or in any lesser interest, should be based on a comprehensive assessment of Florida's natural resources and planned so as to protect the integrity of ecological systems and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban as well as rural areas, and water recharge.

9. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

10. It is the intent of the Legislature to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of Florida.

(b) The Legislature recognizes that acquisition is only one way to achieve the aforementioned goals and encourages the development of creative partnerships between governmental agencies and private landowners. Land protection agreements and similar tools should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section are encouraged to better coordinate their expenditures so that project acquisitions, when combined with acquisitions under Preservation 2000, Save Our Rivers, the Florida Communities Trust, and other public land acquisition programs, will form more complete patterns of protection for natural areas and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to managing Florida's public lands must accompany any new land acquisition program to ensure that the natural resource values of such lands are protected, that the public has the opportunity to enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars.

(e) With limited dollars available for restoration and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process can select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by the Florida Forever Advisory Council as approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the citizens of this state to prosper through economic development and to preserve the natural areas and recreational open space of Florida. The Legislature further recognizes the urgency of restoring the natural functions of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax revenue.

(h) The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute.

2. Protecting areas underlying low-level military air corridors or operating areas.

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners.

(10) The Acquisition and Restoration Council shall give increased priority to those projects for which matching funds are available and to project elements previously identified on an acquisition list pursuant to this section that can be acquired at 80 percent or less of appraised value. The council shall also give increased priority to those projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions, including:

(a) Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute.

(b) Protecting areas underlying low-level military air corridors or operating areas.

(c) Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project.

Section 6. Subsections (1) and (2) of section 259.1051, Florida Statutes, are amended to read:

259.1051 Florida Forever Trust Fund.--

(1) There is created the Florida Forever Trust Fund to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the Department of Environmental Protection. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1)(a), not to exceed $3 billion, must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the Division of Bond Finance of the State Board of Administration may provide for additional provisions that govern the disbursement of the bond proceeds.

(2) The Department of Environmental Protection shall distribute revenues from the Florida Forever Trust Fund only to programs of state agencies or local governments as set out in s. 259.105(3) or as provided in s. 259.1052. Excluding distributions to the Save Our Everglades Trust Fund and distributions for the acquisition of the Babcock Crescent B Ranch Florida Forever acquisition as provided in s. 259.1052, the distributions shall be spent by the recipient within 90 days after the date on which the Department of Environmental Protection initiates the transfer.

Section 7. Section 259.1052, Florida Statutes, is created to read:

259.1052 Babcock Crescent B Ranch Florida Forever acquisition; conditions for purchase.--

(1) The acquisition of the state's portion of the Babcock Crescent B Ranch by the Board of Trustees of the Internal Improvement Trust Fund is a conservation acquisition under the Florida Forever program created in s. 259.105, with a goal of sustaining the ecological and economic integrity of the property being acquired while allowing the business of the ranch to operate and prosper. The management of the preserve shall be as provided in s. 259.106, notwithstanding any other provision of law to the contrary.

(2) The Legislature recognizes that the acquisition of the state's portion of the Babcock Crescent B Ranch represents a unique opportunity to assist in preserving the largest private and undeveloped single-ownership tract of land in Charlotte County. The Legislature further recognizes Lee County as a partner in the acquisition of the ranch.

(3) This section authorizes the acquisition of the state's portion of the Babcock Crescent B Ranch in order to protect and preserve for future generations the scientific, scenic, historic, and natural values of the ranch, including rivers and ecosystems; to protect and preserve the archaeological,

geological, and cultural resources of the ranch; to provide for species recovery; and to provide opportunities for public recreation.

(4) In addition to distributions authorized under s. 259.105(3), the Department of Environmental Protection is authorized to distribute $310 million in revenues from the Florida Forever Trust Fund. This distribution shall represent payment in full for the portion of the Babcock Crescent B Ranch to be acquired by the state under this section.

(5) As used in this section, the term "state's portion of the Babcock Crescent B Ranch" means those lands conveyed by special warranty deed to the Board of Trustees of the Internal Improvement Trust Fund under the provisions of the agreement for sale and purchase executed by the Board of Trustees of the Internal Improvement Trust Fund, the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and the participating local government, as purchaser, and MSKP, III, a Florida corporation, as seller.

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

Remove line 2 and insert:

An act relating to land acquisition and management; amending s. 201.15, F.S.; providing that taxes distributed to pay debt service on Preservation 2000 bonds, Florida Forever bonds, and Save Our Everglades bonds shall, under specified circumstances, be collectively distributed on a pro rata basis; correcting a cross-reference; deleting obsolete provisions; amending s. 215.619, F.S.; providing that Everglades restoration bonds are on a parity basis with other land acquisition bonds; amending s. 259.032, F.S.; authorizing the use of funds in the Conservation and Recreation Lands Trust Fund for management, maintenance, and capital improvements for conservation and recreation lands, including lands acquired under the Babcock Crescent B Ranch Florida Forever acquisition; revising requirements for the development of an individual land management plan; amending s. 259.105, F.S.; establishing the Legislature's intent that the protection and buffering of military installations is of great importance; directing the Acquisition and Restoration Council to also give priority consideration to the acquisition of lands that protect and buffer military installations; amending s. 259.1051, F.S.; conforming the distribution of funds from the Florida Forever Trust Fund; creating s. 259.1052, F.S.; providing for the acquisition of the state's portion of the Babcock Crescent B Ranch; providing a definition; granting authority to the Department of Environmental Protection to distribute funds for the acquisition of the Babcock Crescent B Ranch; creating s. 259.106,

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

Representative(s) Williams offered the following:

(Amendment Bar Code: 662149)

Amendment 6 (with title amendment)—Remove lines 529-685 and insert:

management agreement.

(b) Any final decision of Babcock Ranch, Inc., to adopt or amend the comprehensive business plan or to approve any activity related to the management of the renewable surface resources of the preserve shall be made in sessions that are open to the public. The board of directors shall establish procedures for providing adequate public information and opportunities for public comment on the proposed comprehensive business plan for the preserve or for amendments to the comprehensive business plan adopted by the members.

(c) Not less than 2 years prior to the corporation's assuming management and operation responsibilities for the preserve, the corporation, with input from the commission and the department, must begin developing the comprehensive business plan to carry out the purposes of this section. To the extent consistent with these purposes, the comprehensive business plan shall provide for:

1. The management and operation of the preserve as a working ranch.

2. The protection and conservation of the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve.

3. The promotion of controlled high-quality hunting experiences for the public, with emphasis on deer, turkey, and other game species.

4. Multiple use and sustained yield of the renewable surface resources within the preserve.

5. Public use of and controlled access to the preserve for recreation.

6. The use of renewable resources and management alternatives that, to the extent practicable, benefit local communities and small businesses and enhance the coordination of management objectives with those on surrounding public or private lands. The use of renewable resources and management alternatives should provide cost savings to the corporation through the exchange of services, including, but not limited to, labor and maintenance of facilities, for resources or services provided to the corporation.

(d) On or before the date on which title to the portion of the Babcock Crescent B Ranch being purchased by the state is vested in the Board of Trustees of the Internal Improvement Trust Fund, Babcock Ranch Management, LLC, a limited liability company incorporated in the state, shall provide the commission and the department with the current proprietary management plan and business plan in place.

(e) The comprehensive business plan for the preserve shall be consistent with the management practices taking place on the Babcock Crescent B Ranch prior to the state taking title to the land.

(f) To achieve the goal of a financially self-sustaining operation, the comprehensive business plan must preserve to the maximum extent practicable environmental resources and wildlife habitats found on the preserve.

(12) MANAGEMENT OF PRESERVE; FEES.--

(a) The corporation shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon a determination by the Board of Trustees of the Internal Improvement Trust Fund that the corporation is able to conduct business and that provision has been made for essential services on the preserve, which, to the maximum extent practicable, shall be made no later than 60 days prior to the termination or expiration of the management agreement.

(b) Upon assuming management and operation of the preserve, the corporation shall:

1. With input from the commission and the department, manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve.

2. Develop programs and activities relating to the management of the preserve as a working ranch.

3. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section.

4. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

5. Assess reasonable fees for admission to, use of, and occupancy of the preserve for operation of the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve and shall be deposited into the operating fund established by the board of directors under the authority provided in this section.

(13) MISCELLANEOUS PROVISIONS.--

(a) Except for the powers of the commissioner provided in this section and the powers of the commission provided in s. 9, Art. IV of the State Constitution, the preserve shall be managed by Babcock Ranch, Inc.

(b) Officers and employees of Babcock Ranch, Inc., are private employees. At the request of the board of directors, the commission and the department may provide state employees for the purpose of implementing this section. Any state employee provided to assist the directors in implementing this section for more than 30 days shall be provided on a reimbursable basis. Reimbursement to the commission and the department shall be made from the corporation's operating fund provided under this section and not from any funds appropriated to the corporation by the Legislature.

(14) DISSOLUTION OF BABCOCK RANCH, INCORPORATED.--

(a) The corporation may be dissolved only by an act of the Legislature.

(b) Upon dissolution of the corporation, the management responsibilities provided in this section shall revert to the commission and the department unless otherwise provided by the Legislature under the act dissolving Babcock Ranch, Inc.

(c) Upon dissolution of the corporation, any cash balances of funds shall revert to the General Revenue fund or such other state fund as may be provided under the act dissolving Babcock Ranch, Inc.

Section 2. (1) For the 2006-2007 fiscal year, the sum of $310 million in nonrecurring funds is appropriated from the Florida Forever Trust Fund in the Department of Environmental Protection for the purchase of the Babcock Crescent B Ranch contingent upon the purchase or management agreement or both agreements containing or not conflicting with the following provisions:

(a) Babcock Ranch Management, LLC, shall be the managing entity of the working ranch for 5 years with an option to continue for an additional 5 years.

(b) Babcock Ranch, Inc., shall take over the management of the working ranch after the Babcock Ranch Management, LLC, ceases to be the ranch manager.

(c) Babcock Ranch, Inc., shall adopt a comprehensive business plan consistent with current ranch management practices when Babcock Ranch, Inc., takes over management of the working ranch.

(d) The working ranch shall continue to be operated in a financially self-sustaining manner.

(e) The following ranch operations shall not be prohibited or restricted except by general law:

1. Silvicultural operations, regardless of species and location; however, except in cases of salvage operations or invasive exotic control, no cypress tree that measures more than 30 inches in diameter at breast height may be harvested and harvested areas are limited to no more than 100 acres per harvest tract.

2. Tenant farming on lands historically used for that purpose.

3. Hunting leases, provided that:

a. The issuance of leases allows for participation by interested persons; and

b. Periodic hunts are made available on the preserve to persons with disabilities and those under the age of 18.

4. Any other bona fide agricultural use that is compatible with the environmental resources and wildlife habitat found on the preserve.

(2) The funds appropriated in subsection (1) shall be distributed to the seller in accordance with the terms of the purchase agreement, and no change to the purchase agreement shall be made without the consent of the seller.

(3) For the 2006-2007 fiscal year, the sum of $50,000 is appropriated in nonrecurring funds from the Conservation and Recreation Lands Trust Fund in the Department of Environmental Protection for the operation and management of the Babcock Ranch Preserve, to be administered by Babcock Ranch, Inc., as provided for in this act.

(4) The Legislature may annually appropriate funds from the Land Acquisition Trust Fund for use only as state matching funds, in conjunction with private donations in aggregates of at least $60,000, matched by $40,000 of state funds, for a total minimum project amount of $100,000 for capital improvement facility development at the ranch at either individually designated locations or for priority projects within the overall ranch system. The Babcock Ranch, Inc., may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The Babcock Ranch, Inc., is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds.

Section 3. 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 lines 59-61 and insert:

upon the dissolution of the corporation; providing for appropriations and certain conditions therefor; providing effective dates.

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

The question recurred on the passage of HB 1347. The vote was:

Session Vote Sequence: 1057

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 after engrossment.

On motion by Rep. Littlefield, consideration of **HB 431** was temporarily postponed.

On motion by Rep. Johnson, consideration of **HB 7167** was temporarily postponed.

On motion by Rep. Stargel, consideration of **HB 1527** was temporarily postponed.

On motion by Rep. Pickens, consideration of **HB 675** was temporarily postponed.

On motion by Rep. Traviesa, consideration of **HB 1199** was temporarily postponed.

HB 217—A bill to be entitled An act relating to sinkhole insurance; amending s. 627.706, F.S.; allowing a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; eliminating the requirement for certain testing compliance; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; providing for the recording of sinkhole reports by the clerk of court rather than the property appraiser; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; requiring the Office of Insurance Regulation to calculate a certain presumed factor on residential property insurance rates; providing requirements and procedures for determining such calculation; requiring the office to provide notice of such rate factor to insurers; requiring insurers to include such rate factor in certain rate filings; providing appropriations and authorizing additional positions and salary rates; providing effective dates.

—was read the third time by title.

Representative(s) Legg offered the following:

(Amendment Bar Code: 240699)

Amendment 3—Remove line 41 and insert:

Section 1. Effective October 1, 2006, subsection (1) and paragraph (d) of subsection

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

Representative(s) Legg offered the following:

(Amendment Bar Code: 340989)

Amendment 4 (with title amendment)—Remove lines 184 through 195 and insert:

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1) and including the legal description of the real property and the name of the property owner, with the county clerk of court ~~property appraiser~~, who shall record the report and certification ~~with the parcel number~~. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The recording of the report and certification shall not constitute a lien or encumbrance or restriction on the title to the real property, nor constitute a defect in the title to the real property, create any cause of action or liability against any grantor of the real property for breach of any warranty of good title or warranty against encumbrances, nor create any cause of action or liability against any title insurer that insures the title to the real property. The seller of real property upon which a sinkhole claim has been made by the seller and paid by the insurer shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

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

Remove lines 14 through 16 and insert:
engineers and professional geologists; revising requirements with respect to the required filing of a report and certification by an insurer that has paid a claim for a sinkhole loss; providing for the recording of a report and certification with the clerk of court rather than the property appraiser; limiting the effect of the recording of the report and certification; creating s. 627.7074, F.S.;

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

Representative(s) Legg offered the following:

(Amendment Bar Code: 773863)

Amendment 5—Remove lines 243 through 249 and insert:

(7) Upon receipt of a request for neutral evaluation, the department shall provide the parties a list of certified neutral evaluators. The parties shall mutually select a neutral evaluator from the list and promptly inform the department. If the parties cannot agree to a neutral evaluator within 10 business days, the department shall appoint a neutral evaluator from the department list. Upon selection or appointment, the department shall promptly refer the request to the neutral evaluator. Within 5 business days of the referral, the neutral evaluator shall notify the policyholder and the insurer of the date, time, and place of the neutral evaluation conference. The conference may be held by telephone, if feasible and desirable. The neutral evaluation conference shall be held within 45 days after the receipt of the request by the department.

Rep. Legg moved the adoption of the amendment.

On motion by Rep. Legg, further consideration of **HB 217**, with pending amendment, was temporarily postponed and placed on Unfinished Business.

On motion by Rep. Seiler, consideration of **HB 457** was temporarily postponed.

On motion by Rep. Sands, consideration of **HB 459** was temporarily postponed.

HB 841—A bill to be entitled An act relating to supersedeas bond; creating s. 45.045, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

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

Session Vote Sequence: 1058

Speaker Bense in the Chair.

Yeas—119

Adams	Benson	Coley	Gannon
Allen	Berfield	Cretul	Garcia
Altman	Bilirakis	Culp	Gardiner
Ambler	Bogdanoff	Cusack	Gelber
Anderson	Bowen	Davis, D.	Gibson, A.
Antone	Brandenburg	Davis, M.	Gibson, H.
Arza	Brown	Dean	Glorioso
Attkisson	Brummer	Detert	Goldstein
Ausley	Brutus	Domino	Goodlette
Barreiro	Bucher	Evers	Gottlieb
Baxley	Bullard	Farkas	Grant
Bean	Cannon	Fields	Greenstein
Bendross-Mindingall	Carroll	Flores	Grimsley
Bense	Clarke	Galvano	Harrell

Hasner	Legg	Poppell	Seiler
Hays	Littlefield	Porth	Simmons
Henriquez	Llorente	Proctor	Slosberg
Holloway	Lopez-Cantera	Quinones	Smith
Homan	Machek	Reagan	Sobel
Hukill	Mahon	Rice	Sorensen
Jennings	Mayfield	Richardson	Stansel
Johnson	McInvale	Rivera	Stargel
Jordan	Meadows	Robaina	Taylor
Joyner	Mealor	Roberson	Traviesa
Justice	Murzin	Ross	Troutman
Kendrick	Needelman	Rubio	Vana
Kottkamp	Negron	Russell	Waters
Kravitz	Patterson	Ryan	Williams
Kreegel	Peterman	Sands	Zapata
Kyle	Planas	Sansom	

Nays—None

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

HB 771—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and amending definitions; redefining "cosmetology" to include hair technician, esthetician, and nail technician services; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; requiring passage of a specified course to receive a hair braiding registration; increasing the total hours of instruction and modifying the content of instruction required to constitute a hair braiding course; providing an exemption from a portion of required hair braiding coursework; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; increasing fee caps for the reactivation of an inactive license; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; creating s. 477.0231, F.S.; providing for cosmetology internships; providing requirements for the board, cosmetology interns, internship sponsors, and cosmetology salons relating to cosmetology internships; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; providing a fee cap for internship sponsors; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; providing an effective date.

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

Session Vote Sequence: 1059

Speaker Bense in the Chair.

Yeas—109

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

Nays—9

Bendross-Mindingall	Gottlieb	Patterson
Gelber	Henriquez	Smith
Gibson, A.	Meadows	Sobel

Votes after roll call:
Yeas—Brandenburg
Yeas to Nays—Cusack

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

REPRESENTATIVE RUSSELL IN THE CHAIR

On motion by Rep. Murzin, consideration of **HB 817** was temporarily postponed.

On motion by Rep. Johnson, consideration of **HB 7253** was temporarily postponed.

HB 999—A bill to be entitled An act relating to suicide prevention; providing for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties; requiring the submission of proposals to the Department of Education; providing for student participation in the pilot program and for the provision of certain information to parents and legal guardians; requiring a report to the Legislature; requiring implementation of the pilot program to be contingent upon state funding and equivalent matching funds; providing an effective date.

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

Session Vote Sequence: 1060

Representative Russell in the Chair.

Yeas—112

Adams	Altman	Anderson	Arza
Allen	Ambler	Antone	Attkisson

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

Nays—5

Culp	Needelman	Williams
Goodlette	Poppell	

Votes after roll call:
Yeas—Bense

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

HB 457—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; revising provisions relating to identification information provided by professional guardians for registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a state college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal history record checks; amending s. 744.3115, F.S.; defining the term "health care decision"; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to request that the Department of Law Enforcement forward certain fingerprints to the Federal Bureau of Investigation; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person's life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for dismissal of a petition alleging incapacity based on the reports of the majority of the committee members; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member; revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; revising provisions relating to audits and investigations of each office of public guardian; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing for additional distribution of a specified annual report; deleting a definition; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; revising provisions relating to exemptions from paying court-related fees and charges; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

Representative Sands offered the following:

(Amendment Bar Code: 213563)

Amendment 2—Remove lines 152-153 and insert:

court, and local procedures using generally accepted accounting principles.

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

Representative Sands offered the following:

(Amendment Bar Code: 817301)

Amendment 3 (with directory and title amendments)—Between lines 268 and 269, insert:

(5) The executive director of the office may deny registration to a professional guardian if the executive director determines that the guardian's proposed registration, including the guardian's credit or criminal investigations, indicates that registering the professional guardian would violate any provision of this chapter. If a guardian who is currently registered with the office violates a provision of this chapter, the executive director of the office may suspend or revoke the guardian's registration. If the executive director denies registration to a professional guardian or suspends or revokes a professional guardian's registration, the Statewide Public Guardianship Office must send written notification of the denial, suspension, or revocation to the chief judge of each judicial circuit in which the guardian was serving on the day of the office's decision to deny, suspend, or revoke the registration.

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

Remove line 240 and insert:

Section 2. Subsections (3), (5), (7), and (10) of section

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

Remove line 6 and insert:

guardians for registration; authorizing revocation or suspension of a professional guardian's registration; providing that the Statewide

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

Representative Sands offered the following:

(Amendment Bar Code: 739225)

Amendment 4—Remove line 553 and insert:

electronic fingerprinting equipment and the fingerprints are retained by the Department of Law Enforcement in order to notify

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

Representative Sands offered the following:

(Amendment Bar Code: 070535)

Amendment 5 (with title amendment)—Remove lines 1228-1237

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

Remove lines 132-133

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

The question recurred on the passage of HB 457. The vote was:

Session Vote Sequence: 1061

Representative Russell in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Bense, Hays, McInvale

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

HB 459—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

Representative Sands offered the following:

(Amendment Bar Code: 959543)

Amendment 1—Remove line 30 and insert:

repealed on October 2, 2011, unless reviewed and saved from

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

The question recurred on the passage of HB 459. The vote was:

Session Vote Sequence: 1062

Representative Russell in the Chair.

Yeas—113

Adams
Allen
Altman
Ambler
Anderson
Antone
Arza
Attkisson
Ausley
Barreiro
Baxley
Bean
Bendross-Mindingall
Berfield
Bilirakis
Bogdanoff
Bowen
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
Gardiner
Gelber
Gibson, A.
Gibson, H.
Glorioso
Goldstein
Goodlette
Gottlieb
Grant
Greenstein
Grimsley
Harrell
Hasner
Henriquez
Holloway
Homan
Hukill
Jennings
Johnson
Jordan
Joyner
Justice
Kendrick
Kottkamp
Kravitz
Kreegel
Kyle
Legg
Littlefield
Llorente
Lopez-Cantera
Machek
Mahon
Mayfield
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Richardson
Rivera
Robaina
Roberson
Ross
Rubio
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—None

Votes after roll call:
Yeas—Bense, Hays, McInvale, Russell

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 241—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for the Medikids program or the Florida Healthy Kids program; requiring that the Agency for Health Care Administration begin enrollment under the revised program criteria by a specified date; providing an effective date.

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

Session Vote Sequence: 1063

Representative Russell in the Chair.

Yeas—118

Adams
Allen
Altman
Ambler
Anderson
Antone
Arza
Attkisson
Ausley
Barreiro
Baxley
Bean
Bendross-Mindingall
Benson
Berfield
Bilirakis
Bogdanoff
Bowen
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
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
Smith
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—None

Votes after roll call:
Yeas—Bense, McInvale

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

HB 173—A bill to be entitled An act relating to construction contracts; creating s. 627.442, F.S.; specifying acceptance of certain insurance provisions of a construction contract under certain circumstances; providing exceptions; prohibiting certain actions after acceptance of such provisions; providing an exception authorizing such actions under certain circumstances; authorizing contractors or subcontractors to reject certain accepted construction contract insurance provisions as nonconforming under certain circumstances; authorizing such contractors and subcontractors to withhold payment for work performed or materials supplied under certain circumstances; prohibiting rejecting certain policies of insurance on certain grounds; specifying nonapplication of construction contract insurance provisions under certain circumstances; providing construction; providing definitions; providing for application to certain contracts; creating s. 627.443, F.S.; prohibiting certain persons from requiring workers' compensation policies to be issued by certain entities under certain circumstances; providing effective dates.

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

Session Vote Sequence: 1064

Representative Russell in the Chair.

Yeas—114

Adams
Allen
Altman
Ambler
Anderson
Antone
Arza
Attkisson
Ausley
Barreiro
Baxley
Bean
Bendross-Mindingall
Bense
Berfield
Bilirakis
Bogdanoff
Bowen
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
Gardiner
Gelber
Gibson, A.
Gibson, H.
Glorioso
Goldstein
Goodlette
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
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Rivera
Robaina
Roberson
Ross
Rubio
Russell
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—None

Votes after roll call:

Yeas—Gottlieb, McInvale, Richardson

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

On motion by Rep. Dean, consideration of **HB 7117** was temporarily postponed.

HB 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; prohibiting certain minors from riding in the open body of certain trucks on limited access highways; providing exceptions; providing for a county governing body to exempt the county from the prohibition; providing penalties; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overwidth permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants

for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 322.02, F.S.; revising legislative intent provisions to include references to county constitutional officers providing driver licensing services; amending s. 322.135, F.S.; authorizing the department to contract with any county constitutional officer for driver license services in counties where the tax collector is not elected or does not provide the services; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; providing effective dates.

—was read the third time by title.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 654083)

Amendment 7 (with title amendment)—Remove line(s) 645-675 and insert:

(2) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This subsection does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a contract with a governmental entity, or to a volunteer firefighter when the employee or firefighter is engaged in the necessary discharge of a duty and does not apply to a person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise. Any person who violates ~~the provisions of~~ this subsection shall be cited for a nonmoving violation, punishable as provided in chapter 318.

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

Remove line(s) 47-51 and insert:

for passengers; amending s. 316.2095, F.S.; deleting

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

Representative(s) Evers offered the following:

(Amendment Bar Code: 464829)

Amendment 8 (with title amendment)—Between lines 1288 and 1289, insert:

(16) In addition to any penalties imposed, a surcharge of $4 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095.

Section 22. Subsection (15) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.--All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Notwithstanding subsections (1) and (2), the proceeds from the surcharge imposed under s. 318.18(16) shall be distributed as provided in that subsection.

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

Remove line 108 and insert:

vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.19, F.S.;

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

Representative(s) Evers offered the following:

(Amendment Bar Code: 962125)

Amendment 9 (with title amendment)—Between lines 1316 and 1317, insert:

Section 24. Subsection (1) of section 320.015, Florida Statutes, is amended to read:

320.015 Taxation of mobile homes.--

(1) A mobile home, as defined in s. 320.01(2), regardless of its actual use, shall be subject only to a license tax unless classified and taxed as real property. A mobile home is to be considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and said mobile home is permanently affixed thereto. Any prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall be taxed as real property, even though transported over the highways to a site for erection or use, once permanently affixed to realty and connected to utilities. This section shall not be construed to apply to a display home or

other inventory being held for sale by a manufacturer or dealer of modular housing units.

======== T I T L E A M E N D M E N T ========
Remove line 111 and insert:

of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s.

Rep. Evers moved the adoption of the amendment.

Representative(s) Evers offered the following:

(Amendment Bar Code: 646699)

Substitute Amendment 9 (with title amendment)—Between lines 1316 and 1317, insert:

Section 24. Subsection (1) of section 320.015, Florida Statutes, is amended to read:
320.015 Taxation of mobile homes.--
(1) A mobile home, as defined in s. 320.01(2), regardless of its actual use, shall be subject only to a license tax unless classified and taxed as real property. A mobile home is to be considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and said mobile home is permanently affixed thereto. Any prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall be taxed as real property once permanently affixed to realty and connected to utilities. This section shall not be construed to apply to a display home or other inventory being held for sale by a manufacturer or dealer of modular housing units ~~even though transported over the highways to a site for erection or use~~.

======== T I T L E A M E N D M E N T ========
Remove line 111 and insert:

of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s.

Rep. Evers moved the adoption of the substitute amendment.

Representative Evers offered the following:

(Amendment Bar Code: 176229)

Amendment 1 to Substitute Amendment 9—Remove line 19 and insert:
permanently affixed to real property. This

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

The question recurred on the adoption of **Substitute Amendment 9**, as amended, which was adopted by the required two-thirds vote.

Representative(s) Bogdanoff offered the following:

(Amendment Bar Code: 356507)

Amendment 10 (with title amendment)—Remove lines 2568-2592.

======== T I T L E A M E N D M E N T ========
Remove line(s) 222-229 and insert:
specified number of license plate registrations; amending s. 627.733, F.S.;

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

Representative(s) Roberson offered the following:

(Amendment Bar Code: 776953)

Amendment 11 (with title amendment)—Remove line(s) 2593 to 2368

======== T I T L E A M E N D M E N T ========
Remove line(s) 229 to 232 and insert:
not provide the services;

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

Representative(s) Evers offered the following:

(Amendment Bar Code: 116333)

Amendment 12—Remove line 2603 and insert:
taxicab shall maintain security as required under s. 324.032(1), and s. 627.737 shall not apply to any motor vehicle used as a taxicab.

Rep. Evers moved the adoption of the amendment.

Representative Evers offered the following:

(Amendment Bar Code: 311045)

Amendment 1 to Amendment 12—Remove line 5 and insert:
taxicab shall not be governed by paragraph (1)(a) but shall maintain security as required under s. 324.032(1),

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

The question recurred on the adoption of **Amendment 12**, as amended, which was adopted by the required two-thirds vote.

Representative Needelman offered the following:

(Amendment Bar Code: 641921)

Amendment 13 (with title amendment)—Between lines 2678-2679, insert:
Section 57. Paragraph (b) of subsection (1) of section 206.606, Florida Statutes, is amended to read:
206.606 Distribution of certain proceeds.--
(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:
(b) $2.5 million shall be transferred to the State Game Trust Fund in the Fish and Wildlife Conservation Commission in each fiscal year and used for recreational boating activities, and freshwater fisheries management and research. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.

1. A minimum of $1.25 million shall be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal ~~aquatic plant control~~, and other local boating related activities. In funding the projects, the commission shall give priority consideration as follows:

a. Unmet needs in counties with populations of 100,000 or less.

b. Unmet needs in coastal counties with a high level of boating related activities from individuals residing in other counties.

2. The remaining $1.25 million may be used for recreational boating activities and freshwater fisheries management and research.

3. The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement a Florida Boating Improvement Program ~~similar to the program administered by the Department of Environmental Protection and established in rules 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine projects eligible for funding under this subsection~~.

On February 1 of each year, the commission shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees.

Section 58. Section 327.59, Florida Statutes, is amended to read:

327.59 Marina evacuations.--

(1) After June 1, 1994, marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.

(2) Nothing in this section may be construed to restrict the ability of an owner of a vessel or the owner's authorized representative to remove a vessel voluntarily from a marina at any time or to restrict a marina owner from dictating the kind of cleats, ropes, fenders, and other measures that must be used on vessels as a condition of use of a marina. After a tropical storm or hurricane watch has been issued, a marina owner or operator, or an employee or agent of such owner or operator, may take reasonable actions to further secure any vessel within the marina to minimize damage to a vessel and to protect marina property, private property, and the environment and may charge a reasonable fee for such services.

(3) Notwithstanding any other provisions of this section, in order to minimize damage to a vessel and to protect marina property, private property, and the environment, a marina owner may provide by contract that in the event a vessel owner fails to promptly remove a vessel from a marina after a tropical storm or hurricane watch has been issued, the marina owner, operator, employee, or agent may remove the vessel, if reasonable, from its slip or take whatever reasonable actions are deemed necessary to properly secure a vessel to minimize damage to a vessel and to protect marina property, private property, and the environment and may charge the vessel owner a reasonable fee for any such services rendered. In order to add such a provision to a contract, the marina owner must provide notice to the vessel owner in any such contract in a font size of at least 10 points and in substantially the following form:

NOTICE TO VESSEL OWNER

The undersigned hereby informs you that in the event you fail to remove your vessel from the marina promptly (timeframe to be determined between the marina owner or operator and the vessel owner) after the issuance of a tropical storm or hurricane watch for (insert geographic area), Florida, under Florida law, the undersigned or his or her employees or agents are authorized to remove your vessel, if reasonable, from its slip or take any and all other reasonable actions deemed appropriate by the undersigned or his or her employees or agents in order to better secure your vessel and to protect marina property, private property, and the environment. You are further notified that you may be charged a reasonable fee for any such action.

(4) A marina owner, operator, employee, or agent shall not be held liable for any damage incurred to a vessel from storms or hurricanes and is held harmless as a result of such actions. Nothing in this section may be construed to provide immunity to a marina operator, employee, or agent for any damage caused by intentional acts or negligence when removing or securing a vessel as permitted under this section.

Section 59. Subsection (2) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.--

(2) Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in ~~the exercise of rights of~~ navigation.

Section 60. Section 328.64, Florida Statutes, is amended to read:

328.64 Change of interest and address.--

(1) The owner shall furnish the Department of Highway Safety and Motor Vehicles notice of the transfer of all or any part of his or her interest in a vessel registered or titled in this state pursuant to this chapter or chapter 328 or of the destruction or abandonment of such vessel, within 30 days thereof, on a form prescribed by the department. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate. The department shall provide the form for such notice and shall attach the form to every vessel title issued or reissued.

(2) Any holder of a certificate of registration shall notify the Department of Highway Safety and Motor Vehicles or the county tax collector within 30 days, if his or her address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department or such county tax collector with the new address. The department shall ~~may~~ provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 61. Subsection (15) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.--

(15) DISTRIBUTION OF FEES.--Except for the first $2, $1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and $1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, pursuant to s. 206.606 ~~327.47~~, giving priority consideration to counties with more than 35,000 registered vessels, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and ~~other boating-related activities, for~~ removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53~~, and for manatee and marine mammal protection and recovery~~. Counties shall ~~that~~ demonstrate through an annual detailed accounting report of vessel registration revenues that ~~at least $1 of~~ the registration fees were spent as provided in this subsection ~~on boating infrastructure shall only be required to transfer the first $1 of the fees to the Save the Manatee Trust Fund~~. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, prior to January 1 of each calendar year, the annual detailed accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county shall not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, instead, for the next calendar year, remit such moneys to the state for deposit into the

Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection ~~The commission shall provide an exemption letter to the department by December 15 of each year for qualifying counties~~.

Section 62. Paragraph (g) of subsection (4) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.--

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(g) The funding of a grant program to ~~coastal~~ local governments, pursuant to s. 376.15(2)(b) and (c), for the removal of derelict vessels from the public waters of the state.

Section 63. Section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; removal from public waters.--

(1) It is unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel as defined in s. 823.11(1) in this state ~~or leave any vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any public waters or at any port in this state without the consent of the agency having jurisdiction thereof or docked at any private property without the consent of the owner of the private property~~.

(2)(a) The Fish and Wildlife Conservation Commission and its officers and all law enforcement officers as specified in s. 327.70 are ~~is hereby designated as the agency of the state~~ authorized and empowered to remove any derelict vessel as defined in s. 823.11(1) ~~described in subsection (1)~~ from public waters. All costs incurred by the commission or other law enforcement agency in the removal of any abandoned or derelict vessel shall be recoverable against the owner of the vessel. The Department of Legal Affairs shall represent the commission in such actions.

(b) The commission may establish a program to provide grants to ~~coastal~~ local governments for the removal of derelict vessels from the public waters of the state. The program shall be funded from the Florida Coastal Protection Trust Fund. Notwithstanding the provisions in s. 216.181(11), funds available for grants may only be authorized by appropriations acts of the Legislature.

(c) The commission shall adopt by rule procedures for submitting a grant application and criteria for allocating available funds. Such criteria shall include, but not be limited to, the following:

1. The number of derelict vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of the state.

(d) This section shall constitute the authority ~~of the commission~~ for such removal, but is not intended to be in contravention of any applicable federal act.

~~(e) The Department of Legal Affairs shall represent the Fish and Wildlife Conservation Commission in such actions.~~

Section 64. Paragraph (s) of subsection (2) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.--

(2) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(s) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

1. Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;

2. Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure~~, do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water~~;

3. Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in s. 253.141;

4. Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where ~~no~~ seagrasses are least dense ~~exist if such areas are present~~ adjacent to the dock or bulkhead; and

5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, shall not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). ~~By January 1, 2003,~~ The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. ~~Upon the adoption of the rule creating such general permit,~~ No local government shall impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel platforms as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure ~~on floating vessel platforms or floating boat lifts covered by such general permit~~.

Section 65. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.--As used in this chapter:

(3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11(1) ~~Vessels determined to be derelict by the Fish and Wildlife Conservation Commission or a county or municipality in accordance with the provisions of s. 823.11 are included within this definition~~.

Section 66. Subsection (4) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.--

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel ~~boat~~ or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel ~~boat~~ or motor vehicle, or any other vessel ~~boat~~ or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel ~~boat~~ registration privileges or whose motor vehicle privileges have been revoked under this subsection. Neither the department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose vessel ~~boat~~ or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 67. Section 823.11, Florida Statutes, is amended to read:

823.11 Abandoned and derelict vessels; removal; penalty.--

(1) "Derelict vessel" means any vessel, as defined in s. 327.02, that is left, stored, or abandoned:

(a) In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

(b) At any port in this state without the consent of the agency having jurisdiction thereof.

(c) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

(2) It is unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel as defined in this section in this state ~~or leave any vessel as defined by maritime law in a wrecked, junked, or substantially dismantled condition or abandoned upon or in any public water or at any port in this state without the consent of the agency having jurisdiction thereof, or docked at any private property without the consent of the owner of such property~~.

(3)(a)~~(2)~~ The Fish and Wildlife Conservation Commission and its officers and all law enforcement officers as specified in s. 327.70 are ~~is designated as the agency of the state~~ authorized and empowered to remove or cause to be removed any abandoned or derelict vessel from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. Removal of vessels pursuant to this section may be funded by grants provided in ss. 206.606 and 376.15. The Fish and Wildlife Conservation Commission is directed to implement a plan for the procurement of any available federal disaster funds and to use such funds for the removal of derelict vessels. All costs incurred by the commission or other law enforcement agency in the removal of any abandoned or derelict vessel as set out above shall be recoverable against the owner thereof. The Department of Legal Affairs shall represent the commission in such actions. As provided in s. 705.103(4), any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until the costs have been paid.

(b) When a derelict vessel is docked or grounded at or beached upon private property without the consent of the owner of the property, the owner of the property may remove the vessel at the vessel owner's expense 60 days after compliance with the notice requirements specified in s. 328.17(5). The private property owner may not hinder reasonable efforts by the vessel owner or agent to remove the vessel. Any notice given pursuant to this paragraph shall be presumed delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage. ~~Pursuant to an agreement with the governing body of a county or municipality, and upon a finding by the commission that the county or municipality is competent to undertake said responsibilities, the commission may delegate to the county or municipality its authority to remove or cause to be removed an abandoned or derelict vessel from public waters within the county or municipality.~~

(4)~~(3)~~ Any person, firm, or corporation violating this act commits ~~is guilty of~~ a misdemeanor of the first degree and shall be punished as provided by law. Conviction under this section shall not bar the assessment and collection of the civil penalty provided in s. 376.16 for violation of s. 376.15. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

Section 68. For upland properties bordering on navigable waters, notwithstanding any other provision of Florida Statutes, rules, or local ordinances, riparian rights shall include the right to moor a vessel of a length that is less than the width of the property, provided the dock runs adjacent and parallel to a seawall, does not interfere with navigation as defined by International Navigational Rules Act of 1977, Public Law 95-75, 91 Stat. 308, or 33 U.S.C. 1601-1608, or, the Inland Navigation Rules Act of 1980, Public Law 96-591, 94 Stat. 3415, 33 U.S.C. ss. 2001-2038, the vessel is registered in the name of the owner of the upland property, the owner of the upland property has designated the property homestead pursuant to s. 222.01, Florida Statutes, and no dredging or alteration of the submerged land is needed to accommodate the vessel.

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

Between lines 241-242, insert:

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

governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing that riparian rights shall include the right to moor a vessel under certain conditions;

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

The question recurred on the passage of HB 7079. The vote was:

Session Vote Sequence: 1065

Representative Russell in the Chair.

Yeas—118

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
Benson	Gelber	Lopez-Cantera	Seiler
Berfield	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—1

Bilirakis

Votes after roll call:
Yeas—Bense
Nays to Yeas—Bilirakis

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

HB 221—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity or terminate a child support obligation; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for scientific testing; providing for the amendment of the child's birth certificate; providing for assessment of costs and attorney's fees; repealing Rule 1.540, Florida Rules of Civil Procedure, relating to relief from judgment, decrees, or orders; providing a contingent effective date.

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

Session Vote Sequence: 1066

Representative Russell in the Chair.

Yeas—96

Adams	Cretul	Joyner	Rice
Allen	Dean	Justice	Richardson
Altman	Farkas	Kendrick	Rivera
Ambler	Fields	Kottkamp	Robaina
Anderson	Flores	Kreegel	Roberson
Antone	Galvano	Kyle	Ross
Arza	Garcia	Legg	Rubio
Attkisson	Gelber	Littlefield	Russell
Ausley	Gibson, A.	Llorente	Ryan
Barreiro	Glorioso	Lopez-Cantera	Sands
Baxley	Goldstein	Machek	Sansom
Bendross-Mindingall	Goodlette	Mahon	Seiler
Benson	Grant	Mayfield	Slosberg
Bogdanoff	Grimsley	Meadows	Smith
Bowen	Harrell	Mealor	Sorensen
Brandenburg	Hasner	Murzin	Stansel
Brown	Hays	Needelman	Stargel
Brummer	Henriquez	Negron	Taylor
Brutus	Holloway	Patterson	Traviesa
Bullard	Homan	Peterman	Troutman
Cannon	Hukill	Pickens	Vana
Carroll	Jennings	Poppell	Waters
Clarke	Johnson	Proctor	Williams
Coley	Jordan	Reagan	Zapata

Nays—17

Bean	Davis, D.	Kravitz	Simmons
Berfield	Detert	McInvale	Sobel
Bucher	Evers	Planas	
Culp	Gannon	Porth	
Cusack	Gottlieb	Quinones	

Votes after roll call:
Yeas—Davis, M., Gibson, H., Greenstein
Nays to Yeas—Bean, Kravitz

So the bill passed, as amended, by the required constitutional two-thirds vote of the membership and was immediately certified to the Senate.

HB 1037—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; allowing unopposed legislative candidates to transfer surplus campaign funds to or retain such funds in a campaign account for reelection to the same office; establishing limits on the transferable amount of such funds; providing a prohibition from fundraising under certain conditions; providing an effective date.

—was read the third time by title.

Representative(s) Lopez-Cantera offered the following:

(Amendment Bar Code: 422371)

Amendment 5 (with title amendment)—Between line(s) 50 and 51, insert:

Section 2. Paragraph (a) of subsection (2) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.--

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. ~~In addition, a copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides.~~ Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United

States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

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

Remove line(s) 8 and insert:

certain conditions; amending s. 106.07, F.S.; deleting certain filing requirements for candidates for other than statewide office; providing an effective date.

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

The question recurred on the passage of HB 1037. The vote was:

Session Vote Sequence: 1067

Representative Russell in the Chair.

Yeas—81

Adams	Culp	Jennings	Poppell
Allen	Davis, D.	Johnson	Proctor
Altman	Davis, M.	Jordan	Quinones
Anderson	Dean	Kottkamp	Rice
Arza	Detert	Kravitz	Richardson
Attkisson	Evers	Kreegel	Rivera
Baxley	Flores	Kyle	Robaina
Bean	Galvano	Littlefield	Ross
Benson	Garcia	Llorente	Rubio
Berfield	Gardiner	Lopez-Cantera	Russell
Bilirakis	Gibson, H.	Mahon	Sansom
Bogdanoff	Glorioso	Mayfield	Simmons
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stargel
Brown	Grant	Mealor	Traviesa
Brummer	Grimsley	Murzin	Troutman
Cannon	Harrell	Needelman	Williams
Carroll	Hasner	Negron	Zapata
Clarke	Hays	Patterson	
Coley	Homan	Pickens	
Cretul	Hukill	Planas	

Nays—36

Antone	Fields	Justice	Sands
Ausley	Gannon	Kendrick	Seiler
Bendross-Mindingall	Gelber	Legg	Slosberg
Brutus	Gibson, A.	Machek	Smith
Bucher	Gottlieb	Peterman	Sobel
Bullard	Greenstein	Porth	Stansel
Cusack	Henriquez	Reagan	Taylor
Domino	Holloway	Roberson	Vana
Farkas	Joyner	Ryan	Waters

Votes after roll call:

Yeas—Ambler

Yeas to Nays—Detert

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

HB 715—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.003, F.S.; prohibiting authorization of additional emergency departments located off the premises of licensed hospitals until the Agency for Health Care Administration adopts rules; amending s. 395.1055, F.S.; requiring the agency to adopt rules by a specified date to establish licensure standards for emergency departments located off the premises of licensed hospitals; requiring the rules to address certain topics; amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; creating s. 395.41, F.S.; establishing a trauma center startup grant program; providing conditions for the receipt of a startup grant; providing limitations; making the trauma center startup grant program subject to an appropriation in the General Appropriations Act; providing a contingent effective date.

—was read the third time by title.

Representative(s) Galvano offered the following:

(Amendment Bar Code: 367335)

Amendment 1 (with title amendment)—Remove line(s) 47 and insert:

120.536(1) and 120.54 that

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

Remove line(s) 7 and insert:

requiring the agency to adopt rules to

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

The question recurred on the passage of HB 715. The vote was:

Session Vote Sequence: 1068

Representative Russell in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	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
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	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bense

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

Special Orders

CS for SB 122—A bill to be entitled An act relating to tuition waivers; amending s. 1009.26, F.S.; requiring state universities and community colleges to waive tuition for a recipient of a Purple Heart or other combat decoration superior in precedence who fulfills specified criteria; providing a percentage cap on the number of required credit hours for which a tuition waiver may be received; providing an effective date.

—was read the second time by title.

On motion by Rep. Harrell, CS for SB 122 was substituted for HB 373. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 250—A bill to be entitled An act relating to the prosecution of human trafficking; amending s. 787.06, F.S.; providing legislative findings and intent; defining the term "financial harm"; redefining the term "forced labor or services" to include circumstances involving the use of fraud or coercion against a person, the use of certain debt practices, and the destruction, concealing, or withholding of a person's identification documents; providing for attempted human trafficking to be an equal crime to human trafficking; prohibiting knowingly benefiting financially or receiving anything of value from human trafficking when the trafficked person engages in forced labor or services; providing criminal penalties; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of human trafficking and the offense of sex trafficking for purposes of seeking civil remedies for criminal offenses; amending s. 772.104, F.S.; revising a civil cause of action relating to injuries by reason of criminal activity; providing for alternative damages for violations relating to sex trafficking and human trafficking; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include the offense of human trafficking for purposes of the Florida RICO Act; amending s. 16.56, F.S.; authorizing the Office of the Statewide Prosecution to prosecute any offense involving human trafficking; reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34, F.S., relating to the definition of "specified unlawful activity" in a law prohibiting money laundering in financial institutions and in the Florida Money Laundering Act, and the subject matter jurisdiction of a statewide grand jury, to incorporate the amendments made to s. 895.02, F.S., in references thereto; providing an effective date.

—was read the second time by title.

On motion by Rep. Gannon, CS for CS for SB 250 was substituted for HB 469. Under Rule 5.14, the House bill was laid on the table.

Representative Gannon offered the following:

(Amendment Bar Code: 115783)

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

Section 1. Section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.--

(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

(b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

(c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

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

(a) "Financial harm" includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.

(b) "Forced labor or services" means labor or services obtained from a person by:

1. Using or threatening to use physical force against that person or another person; ~~or~~

2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine that person or another person without lawful authority and against her or his will;~~.~~

3. Using lending or other credit methods to establish a debt by that person or another person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor, or services are not respectively limited and defined;

4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of that person or another person;

5. Causing or threatening to cause financial harm to any person; or

6. Fraud or coercion.

(c)~~(b)~~ "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(d) "Maintain," when used in relation to labor services, means to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.

(3)~~(2)~~ Any person who knowingly:

(a) Engages, or attempts to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to ~~engage in~~ forced labor or services; or

(b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services;

commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

(5) Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

Section 2. Subsection (1) of section 772.102, Florida Statutes, is amended to read:

772.102 Definitions.--As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that ~~which~~ is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 414.39, relating to public assistance fraud.
3. Section 440.105 or s. 440.106, relating to workers' compensation.
4. Part IV of chapter 501, relating to telemarketing.
5. Chapter 517, relating to securities transactions.
6. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
7. Chapter 550, relating to jai alai frontons.
8. Chapter 552, relating to the manufacture, distribution, and use of explosives.
9. Chapter 562, relating to beverage law enforcement.
10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
11. Chapter 687, relating to interest and usurious practices.
12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
13. Chapter 782, relating to homicide.
14. Chapter 784, relating to assault and battery.
15. Chapter 787, relating to kidnapping or human trafficking.
16. Chapter 790, relating to weapons and firearms.
17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution.
18. Chapter 806, relating to arson.
19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.
27. Chapter 837, relating to perjury.
28. Chapter 838, relating to bribery and misuse of public office.
29. Chapter 843, relating to obstruction of justice.
30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
32. Chapter 893, relating to drug abuse prevention and control.
33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.
34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(b) Any conduct which is subject to indictment or information as a criminal offense and listed in 18 U.S.C. s. 1961(1) (A), (B), (C), or (D).

Section 3. Section 772.104, Florida Statutes, is amended to read:

772.104 Civil cause of action.--

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of $200, and reasonable attorney's fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 due to sex trafficking or human trafficking shall have a cause of action for threefold the amount gained from the sex trafficking or human trafficking and in any such action is entitled to minimum damages in the amount of $200 and reasonable attorney's fees and court costs in the trial and appellate courts.

(3) In no event shall punitive damages be awarded under this section. The defendant shall be entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim which was without substantial fact or legal support. In awarding attorney's fees and costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover attorney's fees or costs provided under other provisions of law.

Section 4. Subsection (1) of section 895.02, Florida Statutes, as amended by section 3 of chapter 2005-362, Laws of Florida, is amended to read:

895.02 Definitions.--As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that ~~which~~ is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 409.920 or s. 409.9201, relating to Medicaid fraud.
4. Section 414.39, relating to public assistance fraud.
5. Section 440.105 or s. 440.106, relating to workers' compensation.
6. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.
7. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.
8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and 499.0691, relating to crimes involving contraband and adulterated drugs.
9. Part IV of chapter 501, relating to telemarketing.
10. Chapter 517, relating to sale of securities and investor protection.
11. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
12. Chapter 550, relating to jai alai frontons.
13. Section 551.109, relating to slot machine gaming.
14. Chapter 552, relating to the manufacture, distribution, and use of explosives.
15. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.
16. Chapter 562, relating to beverage law enforcement.
17. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
18. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
19. Chapter 687, relating to interest and usurious practices.
20. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
21. Chapter 782, relating to homicide.
22. Chapter 784, relating to assault and battery.
23. Chapter 787, relating to kidnapping or human trafficking.
24. Chapter 790, relating to weapons and firearms.
25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.
26. Chapter 806, relating to arson.
27. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
28. Chapter 812, relating to theft, robbery, and related crimes.
29. Chapter 815, relating to computer-related crimes.
30. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
31. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.
32. Section 827.071, relating to commercial sexual exploitation of children.
33. Chapter 831, relating to forgery and counterfeiting.

34. Chapter 832, relating to issuance of worthless checks and drafts.
35. Section 836.05, relating to extortion.
36. Chapter 837, relating to perjury.
37. Chapter 838, relating to bribery and misuse of public office.
38. Chapter 843, relating to obstruction of justice.
39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
41. Chapter 874, relating to criminal street gangs.
42. Chapter 893, relating to drug abuse prevention and control.
43. Chapter 896, relating to offenses related to financial transactions.
44. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.
45. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(b) Any conduct defined as "racketeering activity" under 18 U.S.C. s. 1961(1).

Section 5. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, is reenacted to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.--

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

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 6. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (g) of subsection (2) of section 896.101, Florida Statutes, is reenacted to read:

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity.--

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

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 7. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, section 905.34, Florida Statutes, is reenacted to read:

905.34 Powers and duties; law applicable.--The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(1) Bribery, burglary, carjacking, home-invasion robbery, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;

(2) Crimes involving narcotic or other dangerous drugs;

(3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

(4) Any violation of the provisions of the Florida Anti-Fencing Act;

(5) Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

(6) Any violation of the provisions of chapter 815;

(7) Any crime involving, or resulting in, fraud or deceit upon any person;

(8) Any violation of s. 847.0135, s. 847.0137, or s. 847.0138 relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135, s. 847.0137, or s. 847.0138;

(9) Any criminal violation of part I of chapter 499; or

(10) Any criminal violation of s. 409.920 or s. 409.9201;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

Section 8. This act shall take effect October 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 human trafficking; amending s. 787.06, F.S.; providing legislative findings and intent; defining the term "financial harm"; redefining the term "forced labor or services" to include circumstances involving the use of fraud or coercion against a person, the use of certain debt practices, and the destruction, concealing, or withholding of a person's identification documents; providing for attempted human trafficking to be an equal crime to human trafficking; prohibiting knowingly benefiting financially or receiving anything of value from human trafficking when the trafficked person engages in forced labor or services; providing criminal penalties; requiring the Criminal Justice Standards and Training Commission to establish specified standards concerning human trafficking programs; requiring certain law enforcement officer basic skills courses to include training on human trafficking crime prevention and investigation; requiring state attorneys to develop standards of instruction for prosecutors concerning human trafficking crimes; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of human trafficking and the offense of sex trafficking for purposes of seeking civil remedies for criminal offenses; amending s. 772.104, F.S.; revising a civil cause of action relating to injuries by reason of criminal activity; providing for alternative damages for violations relating to sex trafficking and human trafficking; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include the offense of human trafficking for purposes of the Florida RICO Act; reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34, F.S., relating to the definition of "specified unlawful activity" in a law prohibiting money laundering in financial institutions and in the Florida Money Laundering Act and to the subject matter jurisdiction of a statewide grand jury, to incorporate the amendments made to s. 895.02, F.S., in references thereto; providing an effective date.

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

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

SB 266—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district's athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was read the second time by title.

On motion by Rep. Kreegel, SB 266 was substituted for HB 569. Under Rule 5.14, the House bill was laid on the table.

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

SB 692—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from such tax; providing definitions; providing

exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Rep. Sansom, SB 692 was substituted for HB 29. Under Rule 5.14, the House bill was laid on the table.

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

SB 704—A bill to be entitled An act relating to automated teller machine transaction charges; creating s. 655.966, F.S.; authorizing the operator of an automated teller machine to charge an access fee or surcharge for transactions using accounts from certain financial institutions; providing an effective date.

—was read the second time by title.

On motion by Rep. Carroll, SB 704 was substituted for HB 361. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB's 1086 & 1604—A bill to be entitled An act relating to building designations; designating a building located at the University of South Florida St. Petersburg as "H. William Heller Hall"; directing the University of South Florida St. Petersburg to erect suitable markers; designating a building in Lee County as the Joseph P. D'Alessandro Office Complex; directing the Department of Management Services to erect suitable markers; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating the Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Howser Stadium, and the JoAnne Graf Softball Field at Florida State University; authorizing Florida State University to erect markers; designating the Powell Family Structures and Materials Laboratory, the Steinbrenner Band Hall, the Jim and Alexis Pugh Hall, and the L. E. "Red" Larson Dairy Science Building at the University of Florida; directing the University of Florida to erect suitable markers; designating the Kleist Health Education Center, the Herbert J. Sugden Hall, Holmes Hall, and Lutgert Hall at Florida Gulf Coast University; directing Florida Gulf Coast University to erect suitable markers; designating the new alumni center at the Boca Raton campus of Florida Atlantic University as the "Marleen and Harold Forkas Alumni Center"; directing Florida Atlantic University to erect suitable markers; designating the art museum at the University Park campus of Florida International University as the "Patricia and Phillip Frost Art Museum"; directing Florida International University to erect suitable markers; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the University of South Florida to erect suitable markers; designating the Florida Center for Solid and Hazardous Waste Management as the "William W. 'Bill' Hinkley Center for Solid and Hazardous Waste Management"; directing the Department of Environmental Protection to erect suitable markers; designating the FAMU-FSU College of Engineering Building as the "Herbert F. Morgan Building"; authorizing Florida Agricultural and Mechanical University and Florida State University to erect markers; designating the School of Business and Industry Building at Florida Agricultural and Mechanical University as the "Sybil C. Mobley Business Building"; providing for the erection of markers; designating the Allied Health Building at Florida Agricultural and Mechanical University as the "Margaret W. Lewis/Jacqueline B. Beck Allied Health Building"; providing for the erection of markers; designating the Architecture Building at Florida Agricultural and Mechanical University as the "Walter L. Smith Architecture Building"; providing for the erection of markers; designating the Archives Building at Florida Agricultural and Mechanical University as the "Carrie Meek/James N. Eaton, Sr., Southeastern Regional Black Archives Research Center and Museum"; designating the Multipurpose Classroom Building Number 46 at the University of North Florida as "Hodges Stadium"; authorizing the University of North Florida to erect markers; providing effective dates.

—was read the second time by title.

On motion by Rep. Justice, CS for SB's 1086 & 1604 was substituted for HB 19. Under Rule 5.14, the House bill was laid on the table.

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

SB 1282—A bill to be entitled An act relating to K-8 virtual schools; establishing the K-8 Virtual School Program within the Department of Education; providing requirements for schools to be eligible to participate in the program; authorizing participating schools to be for-profit or nonprofit entities; providing a procedure by which schools can apply to participate in the program; requiring that the application and approval process be available by a specified time; requiring that instructional personnel have Florida teaching certificates; requiring participating school personnel to undergo certain background screening required by law; requiring education plans to conform to the Sunshine State Standards; requiring school applicants to provide a 3-year financial plan; requiring the department to act on school applications within 90 days; providing for 3-year contracts for approved schools; authorizing contract renewals; designating participating schools as independent schools; requiring participating schools to provide each student with the equipment, materials, and services necessary to receive instruction; authorizing the current virtual school pilot programs to continue operation through the 2006-2007 school year; requiring pilot schools to meet all application requirements in order to operate beyond the 2006-2007 school year; providing eligibility requirements for students; requiring that enrolled students meet the requirements for compulsory attendance; requiring verification of student attendance; requiring enrolled students to participate in the state assessment program; requiring that funding for the program be established annually in the General Appropriations Act; providing a payment schedule to participating schools; requiring schools to participate in the statewide assessment program; requiring that schools be subject to the school grading system; requiring improvement plans for low-performing schools; requiring contract termination for continued low performance; providing causes for nonrenewal or termination of a school contract; requiring nonrenewed or terminated schools to be responsible for debt; authorizing students of a terminated school to attend other public schools; requiring the State Board of Education to adopt rules to administer the program; providing an effective date.

—was read the second time by title.

On motion by Rep. Stargel, SB 1282 was substituted for HB 7039. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 1322—A bill to be entitled An act relating to driver's licenses; amending s. 562.11, F.S.; providing an additional penalty for providing alcoholic beverages to a person under the age of 21; creating s. 322.057, F.S.; authorizing a court to withhold issuance of, or suspend or revoke, the driver's license of certain persons who provide alcoholic beverages to persons under the age of 21; providing an effective date.

—was read the second time by title.

On motion by Rep. Traviesa, CS for CS for SB 1322 was substituted for HB 1049. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 1506—A bill to be entitled An act relating to insurance; amending ss. 626.9913, 626.99175, 627.836, 651.026, and 651.0261, F.S., relating to viatical settlement providers, premium finance companies, and continuing care providers; authorizing the Financial Services Commission to require by rule that certain statements or filings be submitted by electronic means in a certain format; amending s. 628.281, F.S.; authorizing the Office

of Insurance Regulation to require that certain records or copies be submitted by remote electronic access; providing an effective date.

—was read the second time by title.

On motion by Rep. Grant, CS for SB 1506 was substituted for HB 1329. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Grant offered the following:

(Amendment Bar Code: 888029)

Amendment 1 (with title amendment)—On page 1, line 22 through page 2, line 15
Remove all of said lines, and insert:

(2) Annually, on or before March 1, the viatical settlement provider licensee shall file a statement containing information the commission requires and shall pay to the office a license fee in the amount of $500. After December 31, 2007, the annual statement shall include audited financial statements prepared in accordance with generally accepted accounting principles by an independent certified public accountant as of the last day of the preceding calendar year. If the audited financial statement has not been completed, however, the licensee shall include in its annual statement an unaudited financial statement for the preceding calendar year and an affidavit from an officer of the licensee stating that the audit has not been completed. In this event, the licensee shall submit the audited statement on or before June 1. The annual statement, due on or before March 1 each year, shall also provide the office with a report of all life expectancy providers who have provided life expectancies directly or indirectly to the viatical settlement provider for use in connection with a viatical settlement contract or a viatical settlement investment. A viatical settlement provider shall include in all statements filed with the office all information requested by the office regarding a related provider trust established by the viatical settlement provider. The office may require more frequent reporting. Failure to timely file the annual statement or the audited financial statement or to timely pay the license fee is grounds for immediate suspension of the license. The commission may by

======== T I T L E A M E N D M E N T ========
On page 1, lines 2-3,
Remove all of said lines, and insert:

An act relating to insurance; amending s. 626.9913, F.S., relating to viatical settlement providers; specifying a beginning date for submission of a required annual statement; specifying required information; specifying the period of application of an unaudited financial statement; specifying administrative action for failing to timely file an audited financial statement; amending ss. 626.99175, 627.836, 651.026, and

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

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

CS for SB 1540—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited prescription drug veterinary wholesaler; amending s. 499.01, F.S.; requiring a limited prescription drug veterinary wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited prescription drug veterinary wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; revising permit requirements for a veterinary prescription drug wholesaler that distributes prescription drugs; establishing a permit for a limited prescription drug veterinary wholesaler; providing requirements; providing an exception; amending s. 499.0122, F.S.; redefining the term "veterinary legend drug retail establishment"; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited prescription drug veterinary wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited prescription drug veterinary wholesaler establishment; authorizing the department to determine that a limited prescription drug veterinary wholesaler establishment is an imminent danger to the public; providing an effective date.

—was read the second time by title.

On motion by Rep. Coley, the rules were waived and CS for SB 1540 was substituted for HB 685. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Homan offered the following:

(Amendment Bar Code: 666703)

Amendment 1 (with title amendment)—On page 2, between line(s) 5-6, insert:

Section 1. Subsections (28) and (31) of section 499.003, Florida Statutes, are amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.--As used in ss. 499.001-499.081, the term:

(28) "Manufacturer" means a person who prepares, derives, manufactures, or produces a drug, device, or cosmetic. The term excludes pharmacies that are operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter. This term also means the holder of an approved new drug application, abbreviated new drug application, or new animal drug application; a private label distributor if the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; or the distribution point establishment for the manufacturer, contract manufacturer, or private label distributor, whether the establishment is a member of the manufacturer's affiliated group or is a contract distribution site, only to the extent that the contract distribution distributes the drugs of the manufacturer.

(31) "Pedigree paper" means:

(a) A document required pursuant to s. 499.0121(6)(d) or (e); or

(b)1. Effective July 1, 2006, a document or electronic form approved by the Department of Health and containing information that records each distribution of any given legend drug, from sale by a pharmaceutical manufacturer, through acquisition and sale by any wholesaler or repackager, until final sale to a pharmacy or other person administering or dispensing the drug; or~~.~~

2. Effective July 1, 2006, a statement, under oath, in written or electronic form, given when a wholesale distribution company purchases and receives the specific unit of the prescription drug directly from the manufacturer of the prescription drug, and distributes the prescription drug directly to a chain pharmacy warehouse or a person authorized by law to purchase prescription drugs, for the purpose of administering or dispensing the drug pursuant to s. 465.003.

a. For purposes of this subparagraph, the term "wholesale distribution company" means a wholesale distributor, as defined in s. 499.012(1)(b), that performs intracompany transfers of specific units of prescription drugs to another wholesale distributor that is a member of its affiliated group as described in s. 499.012(1)(d)2.b.

b. For purposes of this subparagraph, the term "intracompany transfers" may not include transfers of prescription drugs if those specific units of the prescription drugs were not purchased directly from the manufacturer.

c. For purposes of this subparagraph, "chain pharmacy warehouse" means a wholesale distributor permitted pursuant to s. 499.012 that maintains a physical location for prescription drugs that functions solely as a central warehouse to perform intra-company transfers of such drugs to a member of its affiliated group, as described in s. 499.0121(6)(h)1.

(c) The information required to be included on the form approved by the department pursuant to subparagraph (b)1. ~~a legend drug's pedigree paper~~ must at least detail the amount of the legend drug; its dosage form and strength; its lot numbers; the name and address of each owner of the legend drug and his or her signature; its shipping information, including the name and address of each person certifying delivery or receipt of the legend drug; an invoice number, a shipping document number, or another number uniquely identifying the transaction; and a certification that the recipient wholesaler

has authenticated the pedigree papers. If the manufacturer or repackager has uniquely serialized the individual legend drug unit, that identifier must also be included on the form approved by the department pursuant to subparagraph (b) 1. ~~pedigree.~~ It must also include the name, address, telephone number and, if available, e-mail contact information of each wholesaler involved in the chain of the legend drug's custody. ~~The department shall adopt rules and a form relating to the requirements of this paragraph no later than 90 days after the effective date of this act.~~

(d)1. The information required to be included pursuant to subparagraph (b) 2. must include:

a. A written statement that states: "This wholesale distribution company purchased the specific unit of the prescription drug directly from the manufacturer."

b. The manufacturer's National Drug Code identifier that provides the name of the manufacturer and the name and address of the wholesaler and the purchaser of the prescription drug.

c. The name of the prescription drug as it was provided by the manufacturer.

d. The quantity, dosage form, and strength of the prescription drug.

2. The wholesale distribution company shall also maintain and make available to the department, upon request, the name and shipping address of the manufacturer from whom the prescription drugs were purchased; the dates of shipment and invoice numbers from the manufacturer to the wholesale distribution company for such prescription drugs; lot numbers of such prescription drugs received by the wholesale distribution company; and any records of any intracompany transfers within the wholesale distribution company of such prescription drugs.

(e) The department may adopt rules and forms relating to the requirements of this subsection.

Section 2. Subsection (29) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.--It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(29) The receipt of a prescription drug pursuant to a wholesale distribution without either first receiving a pedigree paper that was attested to as accurate and complete by the wholesale distributor or complying with the provisions of s. 499.0121(6)(f)6.

Section 3. Paragraph (f) of subsection (6) of section 499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.--The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(6) RECORDKEEPING.--The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.

(f)1. Effective July 1, 2006, each person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug must, before each wholesale distribution of such drug, provide to the person who receives the drug a pedigree paper as defined in s. 499.003(31).

2. A repackager must comply with this paragraph.

3. The pedigree paper requirements in this paragraph do not apply to compressed medical gases or veterinary legend drugs.

4. Each wholesale distributor of prescription drugs must maintain separate and distinct from other required records all statements that are required under subparagraph 1.

5. In order to verify compliance with subparagraph (d)1., each manufacturer of a prescription drug sold in this state must make available upon request distribution documentation related to its sales of prescription drugs, regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

6. The provisions of subparagraph (f)1. are satisfied when a wholesale distributor takes title to, but not possession of, a prescription drug, and the prescription drug's manufacturer ships the prescription drug directly to a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug pursuant to s. 465.003 or a member of an affiliated group, as described in subparagraph (h)1.

a. The wholesale distributor must deliver to the recipient of the prescription drug, within 14 days of the shipment notification from the manufacturer, an invoice and the following sworn statement: "This wholesale distribution company purchased the specific unit of the prescription drug, listed on the invoice, directly from the manufacturer and has been notified by the manufacturer that the specific unit of prescription drug was shipped by the manufacturer directly to a person authorized by law to administer or dispense the legend drug pursuant to s. 465.003, Florida Statutes, or a member of an affiliated group, as described in s. 499.0121(6)(h)1., Florida Statutes." The invoice must contain a clear cross-reference to the shipping document sent by the manufacturer to the recipient of the prescription drug.

b. The recipient of the prescription drug must acquire, within 14 days of receipt of the prescription drug, a shipping document from the manufacturer that contains, at a minimum:

(I) The name and address of the manufacturer, including the point of origin of the shipment, the wholesaler, and such purchaser.

(II) The name of the prescription drug as it appears on the label.

(III) The quantity, dosage form, and strength of the prescription drug.

(IV) The date of the shipment from the manufacturer.

c. The wholesale distributor must also maintain and make available to the department, upon request, the lot number of such drug if the applicable lot numbers are provided to the wholesale distributor by the manufacturer and are not contained in the shipping document received by such recipient.

7. Failure of the purchaser to acquire, or the wholesale distributor or manufacturer to deliver, the documentation required under subparagraph (f)6. shall constitute failure to acquire or deliver a pedigree paper under s. 499.0051. Forgery by the purchaser, wholesale distributor, or manufacturer of the documentation required to be acquired or delivered under subparagraph (f)6. shall constitute forgery of a pedigree paper under s. 499.0051.

8. The department may by rule define alternatives to compliance with subparagraph (f)1. for a prescription drug in the inventory of a permitted prescription drug wholesaler as of June 30, 2006, and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

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

On page 1, line(s) 2-3,
remove: all of said lines

and insert:
An act relating to drug distribution; amending s. 499.003, F.S.; revising definitions; authorizing the Department of Health to adopt rules and forms relating to pedigree paper requirements; amending s. 499.005, F.S.; revising a provision relating to prohibited acts; amending s. 499.0121, F.S.; revising requirements relating to the storage and handling of prescription drugs; amending s. 499.006, F.S.;

Rep. Homan moved the adoption of the amendment.

Point of Order

Rep. Mahon 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 1** to **CS for SB 1540**, stated that the amendment expanded the scope of the bill and recommended that the point be well taken.

The Chair [Rep. Russell], upon recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

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

CS for CS for SB 1556—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing legislative findings; providing grounds for termination; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; specifying an exclusion; providing an effective date.

—was read the second time by title.

On motion by Rep. Goodlette, CS for CS for SB 1556 was substituted for HB 543. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 2060—A bill to be entitled An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; defining the term "responsible supervising control"; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to adopt certain rules; amending s. 481.223, F.S.; authorizing certain architects to use the title "Architect, Retired"; authorizing certain interior designers to use the title "Interior Designer, Retired"; providing an effective date.

—was read the second time by title.

On motion by Rep. Hukill, CS for CS for SB 2060 was substituted for HB 1135. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 994—A bill to be entitled An act relating to citrus; amending s. 193.461, F.S.; providing that certain lands are classified as agricultural lands for the duration of certain successor programs; amending s. 581.184, F.S; requiring the Department of Agriculture and Consumer Services to implement a citrus health plan for certain purposes; eliminating the authority of the department to remove and destroy certain citrus trees; deleting definitions and provisions relating to immediate final orders, notice to property owners, rulemaking authority, and the posting of certain orders, to conform; requiring certain law enforcement officers to maintain order under certain circumstances involving the citrus canker disease management process; creating s. 581.1843, F.S.; making it unlawful to propagate certain citrus nursery stock on or after January 1, 2007, at sites and under certain conditions not approved by the department; providing exceptions; providing rulemaking authority; specifying regulation of certain varieties of citrus plants; providing exceptions; requiring the department to establish certain regulated areas around commercial citrus nurseries; providing exceptions; providing for notice to property owners by immediate final order prior to removal of certain citrus trees; providing an appeal process for an immediate final order; providing for preemption to the state to regulate the removal and destruction of certain citrus plants; requiring the department to relocate certain trees to certain locations; amending s. 581.1845, F.S., relating to compensation to homeowners whose trees have been removed; clarifying that such compensation is subject to appropriation; requiring that certain compensation claims be filed by December 31, 2007; providing for the expiration of compensation claims not filed prior to January 1, 2008; amending ss. 120.80, 348.0008, 933.02, and 933.40, F.S.; deleting provisions and cross-references, to conform; providing appropriations; authorizing the department to submit a budget amendment and providing requirements therefor; amending s. 601.15, F.S.; clarifying provisions relating to the excise tax on citrus; establishing maximum rates and providing procedures by which the Florida Citrus Commission may set rates lower than the maximums; providing an effective date.

—was read the second time by title.

On motion by Rep. Poppell, the rules were waived, and CS for CS for SB 994 was substituted for HB 7159. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 2728—A bill to be entitled An act relating to economic development incentives; amending s. 220.191, F.S.; expanding the definition of qualified project for the Capital Investment Tax Credit; providing alternative credit eligibility criteria; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; requiring that a contract for payment from the Quick Action Closing Fund provide that the payment of moneys is contingent upon a sufficient appropriation of funds by the Legislature and upon the release of appropriated funds by the Legislative Budget Commission; deleting provisions authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to other economic development programs; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; authorizing the office to allocate certain funds for certain purposes; amending s. 403.973, F.S.; providing for review of possible sites for projects funded under s. 288.1089, F.S.; providing appropriations; effectuating a fund transfer; providing for future expiration of the act; providing an effective date.

—was read the second time by title.

On motion by Rep. Attkisson, the rules were waived and CS for CS for SB 2728 was substituted for HB 1283. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 049595)

Amendment 1—On page 10, between lines 15 and 16, insert:
(f) Provide comprehensive health insurance at a rate equaling at least the average private-sector coverage and cost to each employee.

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

Session Vote Sequence: 1069

Representative Russell in the Chair.

Yeas—35

Antone	Gannon	Justice	Ryan
Ausley	Gelber	Kendrick	Sands
Bendross-Mindingall	Gibson, A.	Machek	Seiler
Brandenburg	Gottlieb	Meadows	Slosberg
Brutus	Greenstein	Patterson	Smith
Bucher	Henriquez	Peterman	Sobel
Bullard	Holloway	Porth	Taylor
Cusack	Jennings	Richardson	Vana
Fields	Joyner	Roberson	

Nays—83

Adams	Cretul	Homan	Poppell
Allen	Culp	Hukill	Proctor
Altman	Davis, M.	Johnson	Quinones
Ambler	Dean	Jordan	Reagan
Anderson	Detert	Kottkamp	Rice
Arza	Domino	Kravitz	Rivera
Attkisson	Evers	Kreegel	Robaina
Barreiro	Farkas	Kyle	Ross
Baxley	Flores	Legg	Rubio
Bense	Galvano	Littlefield	Russell
Benson	Garcia	Llorente	Sansom
Berfield	Gardiner	Lopez-Cantera	Simmons
Bilirakis	Gibson, H.	Mahon	Sorensen
Bogdanoff	Glorioso	Mayfield	Stansel
Bowen	Goldstein	McInvale	Stargel
Brown	Goodlette	Mealor	Traviesa
Brummer	Grant	Murzin	Troutman
Cannon	Grimsley	Needelman	Waters
Carroll	Harrell	Negron	Williams
Clarke	Hasner	Pickens	Zapata
Coley	Hays	Planas	

Votes after roll call:
Yeas—Bean
Yeas to Nays—Patterson

Representative Justice offered the following:

(Amendment Bar Code: 126683)

Amendment 2—On page 10, line 15,
delete all of said line and insert:
project is to be located, including a positive vote by the legislative delegation of the county where the project will be located.

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 870215)

Amendment 3 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (1) and subsection (5) of section 220.191, Florida Statutes, are amended, subsections (3), (4), (6), and (7) of that section are renumbered as subsections (4), (5), (7), and (8), respectively, and a new subsection (3) is added to that section, to read:

220.191 Capital investment tax credit.--

(1) DEFINITIONS.--For purposes of this section:

(h) "Qualifying project" means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; ~~or~~

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(1)(o) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(1), and make a cumulative capital investment of at least $100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years; or

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by the Agency for Workforce Innovation or its successor, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least $250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(h)3., in an amount equal to the lesser of $15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(b) If the credit granted under this subsection is not fully used in any one year because of insufficient tax liability on the part of the qualifying business, the unused amount may be carried forward for a period not to exceed 20 years after the commencement of operations of the project. 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 qualifying business is eligible in that year under this subsection after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(c) The credit granted under this subsection may be used in whole or in part by the qualifying business or any corporation that is either a member of that qualifying business' affiliated group of corporations, is a related entity taxable as a cooperative under subchapter T of the Internal Revenue Code, or, if the qualifying business is an entity taxable as a cooperative under subchapter T of the Internal Revenue Code, is related to the qualifying business. Any entity related to the qualifying business may continue to file as a member of a Florida-nexus consolidated group pursuant to a prior election made under s. 220.131(1), Florida Statutes (1985), even if the parent of the group changes due to a direct or indirect acquisition of the former common parent of the group. Any credit can be used by any of the affiliated companies or related entities referenced in this paragraph to the same extent as it could have been used by the qualifying business. However, any such use shall not operate to increase the amount of the credit or extend the period within which the credit must be used.

(6)~~(5)~~ The office, in consultation with Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5) ~~(4)~~.

Section 2. Subsection (2) and paragraphs (a) and (b) of subsection (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.--

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

(a) Be in a targeted industry as referenced in s. 288.106.

(b) Have a positive payback ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the areawide or statewide private-sector average wage.

(e) Be supported by the local community in which the project is to be located.

(3)(a) Enterprise Florida, Inc., shall determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances when the project would significantly benefit the local or regional economy. Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluations of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

Section 3. Section 288.1089, Florida Statutes, is created to read:

288.1089 Innovation Incentive Program.--

(1) The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development and innovation business projects.

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

(a) "Average private-sector wage" means the statewide average wage in the private sector or the average of all private-sector wages in the county or in the standard metropolitan area in which the project is located as determined by the Agency for Workforce Innovation.

(b) "Brownfield area" means an area designated as a brownfield area pursuant to s. 376.80.

(c) "Cumulative investment" means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Enterprise zone" means a area designated as an enterprise zone pursuant to s. 290.0065.

(f) "Fiscal year" means the state fiscal year.

(g) "Innovation business" means a business expanding or locating in this state that is likely to serve as a catalyst for the growth of an existing or emerging technology cluster or will significantly impact the regional economy in which it is to expand or locate.

(h) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs.

(i) "Match" means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(j) "Office" means the Office of Tourism, Trade, and Economic Development.

(k) "Project" means the location to or expansion in this state by an innovation business or research and development applicant approved for an award pursuant to this section.

(l) "Research and development" means basic and applied research in the sciences or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

(m) "Research and development facility" means a facility that is predominately engaged in research and development activities. For purposes of this paragraph, the term "predominantly" means at least 51 percent of the time.

(n) "Rural area" means a rural city, rural community, or rural county as defined in s. 288.106.

(3) To be eligible for consideration for an innovation incentive award, an innovation business or research and development entity must submit a written application to Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the office, the applicant must, at a minimum, establish the following to the satisfaction of Enterprise Florida, Inc., and the office:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private-sector wage. The office may waive this average wage requirement at the request of Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the office in writing. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least $500 million within a 5-year period; or

b. Have a cumulative investment that exceeds $250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas, brownfield areas, and enterprise zones.

(5) Enterprise Florida, Inc., shall evaluate proposals for innovation incentive awards and transmit recommendations for awards to the office. Such evaluation and recommendation must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) For a research and development facility project:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special-needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(6) In consultation with Enterprise Florida, Inc., the office may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, the office shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, the director shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon approval of an award, the Executive Office of the Governor shall release the funds pursuant to the legislative consultation and review requirements set forth in s. 216.177.

(8) Upon approval by the Governor and release of the funds as set forth in subsection (7), the director shall issue a letter certifying the applicant as qualified for an award. The office and the applicant shall enter into an agreement that sets forth the conditions for payment of incentives. The agreement must include the total amount of funds awarded; the performance conditions that must be met to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment; demonstration of a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments; and sanctions for failure to meet performance conditions, including any clawback provisions.

(9) Enterprise Florida, Inc., shall assist the office in validating the performance of an innovation business or research and development facility that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Enterprise Florida, Inc., shall, within 90 days, report the results of the innovation incentive award to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) Enterprise Florida, Inc., shall develop business ethics standards based on appropriate best industry practices which shall be applicable to all award recipients. The standards shall address ethical duties of business enterprises, fiduciary responsibilities of management, and compliance with the laws of this state. Enterprise Florida, Inc., may collaborate with the State University System in reviewing and evaluating appropriate business ethics standards. Such standards shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2006. An award agreement entered into on or after December 31, 2006, shall require a recipient to comply with the business ethics standards developed pursuant to this section.

Section 4. Section 288.1171, Florida Statutes, is created to read:

288.1171 Qualified job-training organizations; certification; duties.--

(1) As used in this section, the term "qualified job-training organization" means an organization that satisfies all of the following:

(a) Is accredited by the Commission for Accreditation of Rehabilitation Facilities.

(b) Collects Florida state sales tax.

(c) Operates statewide and has more than 100 locations within the state.

(d) Is exempt from income taxation under s. 501(c)3 or s. 501(c)4 of the Internal Revenue Code of 1986, as amended.

(e) Specializes in the retail sale of donated items.

(f) Provides job training and employment services to individuals who have workplace disadvantages and disabilities.

(g) Uses a majority of its revenues for job training and placement programs that create jobs and foster economic development.

(2) To be eligible for funding, an organization must be certified by the Office of Tourism, Trade, and Economic Development as meeting the criteria in subsection (1). After certification, the Office of Tourism, Trade, and Economic Development may release funds to the qualified job training organization pursuant to a contract with the organization. The contract must include the performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, the methodology for validating performance, the schedule of payments, and sanctions for failure to meet the performance requirements including any provisions for repayment of awards. The contract must also require that salaries paid to officers and employees of the qualified

job training organization comply with s. 4958 of the Internal Revenue Code of 1986, as amended.

(3) A qualified job-training organization that is certified must use the proceeds provided solely to encourage and provide economic development through capital construction, improvements, or the purchase of equipment that will result in expanded employment opportunities. Proceeds provided under this section for a qualified job training organization must result, within a 10-year period, in:

(a) The creation of at least 5,000 direct, new jobs.

(b) A minimum of 23,000 new clients served.

(c) The production of a minimum of $24 million in new sales tax revenues from increased sales.

(d) A minimum of $42 million in new salaries.

(e) A minimum of $6 million for job placement services.

(4) The failure to use the proceeds as required constitutes grounds for revoking certification.

Section 5. Paragraph (e) of subsection (2) of section 288.0655, Florida Statutes, is amended to read:

288.0655 Rural Infrastructure Fund.--

(2)

(e) To enable local governments to access the resources available pursuant to s. 403.973(19)~~(18)~~, the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

Section 6. Subsections (16) through (19) of section 403.973, Florida Statutes, are renumbered as subsections (17) through (20), respectively, and a new subsection (16) is added to that section, to read:

403.973 Expedited permitting; comprehensive plan amendments.--

(16) The office, working with the agencies participating in the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

Section 7. Subsection (6) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.--

(6)(a) The total of the credit granted for the taxes paid by the insurer under chapters 220 and 221 and the credit granted by subsection (5) shall not exceed 65 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.08 and any assessments pursuant to s. 440.51.

(b) To the extent that any credits granted by subsection (5) remain as a result of the limitation set forth in paragraph (a), such excess credits related to salaries and wages of employees whose place of employment is located within an enterprise zone created pursuant to chapter 290 may be transferred, in an aggregate amount not to exceed 25 percent of such excess salary credits, to any insurer that is a member of an affiliated group of corporations, as defined in sub-subparagraph (5)(b)4.a., that includes the original insurer qualifying for the credits under subsection (5). The amount of such excess credits to be transferred shall be calculated by multiplying the amount of such excess credits by a fraction, the numerator of which is the sum of the salaries qualifying for the credit allowed by subsection (5) of employees whose place of employment is located in an enterprise zone and the denominator of which is the sum of the salaries qualifying for the credit allowed by subsection (5). Any such transferred credits shall be subject to the same provisions and limitations set forth within part IV of this chapter. The provisions of this paragraph do not apply to an affiliated group of corporations that participate in a common paymaster arrangement as defined in s. 443.1216.

Section 8. The sum of $3 million per year is appropriated from nonrecurring general revenue for 10 years to the Office of Tourism, Trade, and Economic Development for the purpose specified in s. 288.1171(3), Florida Statutes. For the 2006-2007 fiscal year, these funds are appropriated from nonrecurring general revenue. For the 2007-2008 through 2016-2017 fiscal years, the funds shall be appropriated from nonrecurring general revenue or as specifically provided in the General Appropriations Act. The funds shall be distributed by the Office of Tourism, Trade, and Economic Development to organizations meeting the requirements of s. 288.1171, Florida Statutes, solely to encourage and provide economic development through capital construction, improvements, or the purchase of equipment that will result in expanded employment opportunities.

Section 9. For the 2006-2007 fiscal year, the sum of $50 million is appropriated from nonrecurring funds from the General Revenue Fund in fiscal year 2006-2007 to the Quick Action Closing Fund.

Section 10. For fiscal year 2006-2007, the sum of $250,000,000 is appropriated from nonrecurring general revenue to the Office of Tourism, Trade, and Economic Development. 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 office to be used for the purposes of this act. Any unobligated funds of this appropriation shall revert to the General Revenue Fund unallocated at the end of the 2010-2011 fiscal year.

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 economic development incentives; amending s. 220.191, F.S.; expanding the definition of qualified project for the Capital Investment Tax Credit; providing for an annual corporate income tax credit for a qualifying business establishing a new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and meeting specified requirements; providing for carryforward of unused credits; providing for use of credits by certain affiliated companies or related entities; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; requiring Enterprise Florida, Inc. to develop business ethics standards; requiring a report; creating s. 288.1171, F.S.; defining the term "qualified job-training organization"; providing for the Office of Tourism, Trade, and Economic Development to certify qualified job-training organizations; providing for the distribution of certain funds to a certified organization pursuant to contract; providing contract requirements; specifying uses of the funds; providing for revocation of certification under certain circumstances; providing for appropriations to be distributed through the Office of Tourism, Trade, and Economic Development; amending s. 288.0655; correcting a cross reference; amending s. 403.973, F.S.; providing for review of possible sites for

projects funded under s. 288.1089, F.S.; amending s. 624.509, F.S.; authorizing transfers to certain entities of certain excess credits against the insurance premium tax; providing criteria, requirements, and limitations; providing nonapplication to certain affiliated groups of corporations; providing appropriations; providing an effective date.

THE SPEAKER IN THE CHAIR

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

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

Remarks

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

CS for CS for SB 80—A bill to be entitled An act relating to electronic mail; requiring certain governmental entities to post a notice on their websites that electronic mail addresses sent to them are subject to release to the public; amending s. 668.606, F.S; providing an exemption from criminal liability for certain carriers whose equipment transmits commercial electronic mail messages that violate s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; amending s. 668.6075, F.S., and renumbering and amending subsection (2) thereof as s. 668.610, F.S.; providing that remedies and penalties under the Electronic Mail Communications Act are cumulative; creating s. 668.608, F.S.; providing criminal penalties for violations of s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; providing applicability; creating part IV of ch. 668, F.S.; providing a short title; providing definitions; prohibiting certain acts relating to fraudulent use or possession of identifying information; authorizing civil actions for violations; providing for injunctive relief and damages; authorizing courts to increase awards of actual damages under certain circumstances; providing for recovery of attorney's fees and court costs; providing for jurisdiction and venue; providing for deposit of certain moneys received by the Attorney General into the Legal Affairs Revolving Trust Fund; authorizing the Department of Legal Affairs to adopt rules; providing for nonapplication to certain entities' good faith handling of identifying information; specifying the absence of liability for certain actions taken to prevent certain violations; providing an effective date.

—was read the second time by title.

On motion by Rep. Porth, CS for CS for SB 80 was substituted for HB 45. Under Rule 5.14, the House bill was laid on the table.

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

SB 370—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

—was read the second time by title.

On motion by Rep. Greenstein, SB 370 was substituted for HB 747. Under Rule 5.14, the House bill was laid on the table.

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

SB 152—A bill to be entitled An act relating to assessments by the property appraiser; amending s. 193.023, F.S.; revising property appraisers' authority for inspecting real property for assessment purposes in addition to physical inspections; reducing the required frequency of physical inspections; providing an effective date.

—was read the second time by title.

On motion by Rep. McInvale, SB 152 was substituted for HB 103. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 730—A bill to be entitled An act relating to accessories to a crime; providing a short title; amending s. 777.03, F.S.; limiting the provision that exempts certain members of an offender's family from being charged with the offense of acting as an accessory after the fact to circumstances involving third-degree felony offenses; specifying additional actions that constitute being an accessory after the fact, for which penalties are provided; providing an effective date.

—was read the second time by title.

On motion by Rep. Carroll, CS for SB 730 was substituted for HB 367. Under Rule 5.14, the House bill was laid on the table.

On motion by Rep. Carroll, further consideration of CS for SB 730 was temporarily postponed.

CS for CS for SB 428—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; revising per diem, subsistence, and mileage rates for purposes of reimbursement of travel expenses of public officers, employees, and authorized persons; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Rep. Coley, CS for CS for SB 428 was substituted for HCB 6001 (for HBs 117, 477). Under Rule 5.14, the House bill was laid on the table.

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

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

CS for SB 792—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 213.053, F.S., relating to an exemption from public-records requirements for information contained in returns, accounts, or declarations received by the Department of Revenue pursuant to ch. 202, F.S.; making organizational and grammatical changes; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; amending ss. 202.37, 206.27, 409.2577, 607.0130, 608.703, 617.01301, and 896.102, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

On motion by Rep. Rivera, CS for SB 792 was substituted for HB 7233. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 730—A bill to be entitled An act relating to accessories to a crime; providing a short title; amending s. 777.03, F.S.; limiting the provision that exempts certain members of an offender's family from being charged with the offense of acting as an accessory after the fact to circumstances involving third-degree felony offenses; specifying additional actions that constitute being an accessory after the fact, for which penalties are provided; providing an effective date.

—was taken up, having been read the second time earlier today.

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

CS for CS for SB 980—A bill to be entitled An act relating to electric transmission and distribution; creating s. 163.3208, F.S.; providing legislative intent; defining the term "distribution electric substation"; providing criteria for adoption and enforcement by a local government of land development regulations for new electric substations; providing that new substations are a permitted use in all land use categories and zoning districts within a utility's service territory; providing for exceptions; providing standards which apply if a local government does not adopt reasonable standards for substation siting; providing for approval of an application for development of a proposed distribution electric substation when the application demonstrates that the design is consistent with the local government's applicable standards; providing alternative procedures for site approval; providing for application of certain local siting standards to applications received after public notice of the adoption hearing on those standards; providing a timeframe and procedures for a local government to approve or deny an application for an electric substation; providing that the application is deemed approved if not acted on within the timeframe; providing for waiver of timeframes; authorizing the local government to establish timeframes for certain required information to be furnished; creating s. 163.3209, F.S.; prohibiting local governments from requiring any permits or approvals for certain vegetation maintenance in an established electric transmission or distribution line right-of-way; defining the term "vegetation maintenance and tree pruning or trimming"; providing for a utility to give notice to the local government before conducting such vegetation-maintenance activities; providing for exceptions; requiring the utility to provide its vegetation-maintenance plan to the local government and discuss it with the local government; specifying standards for vegetation maintenance and tree pruning or trimming conducted by utilities; providing for supervision of vegetation maintenance and tree pruning or trimming activities; limiting the height and clearance distance of vegetation that may be required by a local government in an established right-of-way of certain lines; providing for application and construction with respect to local franchise authority and ordinances or regulations governing planting, pruning, trimming, or removal of certain trees; providing for application when a local government adopts a described plan for vegetation maintenance, tree pruning, tree removal, and tree trimming within established rights-of-way; providing that vegetation maintenance costs be considered recoverable; creating s. 186.0201, F.S.; requiring electric utilities to notify the regional planning council of plans to site electric substations; providing for content of the notification; requiring that the information be included in the regional planning council's annual report and supplied to local governments under certain conditions; amending s. 186.513, F.S.; correcting a reference to a specified agency; providing for application to the Florida Electrical Power Plant Siting Act; providing an effective date.

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

CS for CS for SB 1090—A bill to be entitled An act relating to the regulation of wells; amending s. 373.323, F.S.; authorizing licensed water well contractors to facilitate performance of additional work incidental to the construction, repair, or abandonment of a water well; amending s. 373.324, F.S.; requiring the Department of Environmental Protection to include an administrative fee in its license-renewal method prescribed by rule; waiving continuing education requirements for license renewal of certain water well contractors; providing exemptions from continuing education requirements for water well contractors on active military duty and their spouses; amending s. 373.333, F.S.; increasing the amount of the administrative fine a water management district may impose for certain water well contracting violations; allowing the water management district to impose an administrative fine against unlicensed water well contractors; providing an effective date.

—was read the second time by title.

On motion by Rep. Stansel, the rules were waived and CS for CS for SB 1090 was substituted for HB 1063. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 1172—A bill to be entitled An act relating to public food service establishments; providing a short title; providing legislative findings and intent; creating s. 509.233, F.S.; creating a pilot program that authorizes local governments to adopt an ordinance establishing a local exemption to certain provisions of general law and agency rules relating to public food service establishments in order to permit patrons' dogs at certain designated outdoor portions of such establishments; providing for implementation and enforcement procedures; providing for state assistance; providing for future review and repeal; providing an effective date.

—was read the second time by title.

On motion by Rep. McInvale, CS for SB 1172 was substituted for HB 333. Under Rule 5.14, the House bill was laid on the table.

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

SB 1284—A bill to be entitled An act relating to nursing home consumer information; amending s. 400.191, F.S.; authorizing the Agency for Health Care Administration to provide electronic access to inspection reports from nursing homes in lieu of sending copies of the reports; requiring the agency to provide certain information to consumers; decreasing the number of months for which reported information must be provided to consumers; deleting references to the Online Survey Certification and Reporting system; requiring the agency to publish a Nursing Home Guide Watch List in the Nursing Home Guide; requiring that the watch list include certain days when a facility had a conditional license; requiring the agency to post a copy of the Nursing Home Guide on its website; requiring each nursing home facility to submit certain information to the agency electronically; providing an effective date.

—was read the second time by title.

On motion by Rep. H. Gibson, the rules were waived and SB 1284 was substituted for HB 7053. Under Rule 5.14, the House bill was laid on the table.

Representative(s) H. Gibson offered the following:

(Amendment Bar Code: 691473)

Amendment 1—On page 2, line(s) 13-28,
remove: all of said lines

and insert:

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A section entitled "Have you considered programs that provide alternatives to nursing home care?" which shall be the first section of the Nursing Home Guide and which shall prominently display information about available alternatives to nursing homes and how to obtain additional information regarding these alternatives. The Nursing Home Guide shall explain that this state offers alternative programs that permit qualified elderly persons to stay in their homes instead of being placed in nursing homes and

shall encourage interested persons to call the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to inquire if they qualify. The Nursing Home Guide shall list available home and community-based programs which shall clearly state the services that are provided and indicate whether nursing home services are included if needed.

Rep. H. Gibson moved the adoption of the amendment, which was adopted.

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

On motion by Rep. Russell, the House agreed to take up CS for SB 1350 instanter.

CS for SB 1350—A bill to be entitled An act relating to the Department of Transportation; amending s. 215.615, F.S.; revising matching requirements for revenue bonds issued for fixed-guideway transportation systems; amending s. 337.11, F.S.; amending notification requirements for construction contracts; amending s. 337.14, F.S.; providing exemptions from prequalification requirements for certain projects; amending s. 337.18, F.S.; revising requirements for surety bonds for certain construction projects; amending s. 338.161, F.S.; providing that toll agencies may enter into agreements to promote additional uses of the electronic toll collection system; amending s. 338.2275, F.S.; deleting obsolete provisions; revising the maximum amount of bonds that are available for turnpike projects; providing an effective date.

—was read the second time by title.

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

Representative(s) Russell offered the following:

(Amendment Bar Code: 507059)

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

Section 1. Subsection (1) of section 215.615, Florida Statutes, is amended to read:

215.615 Fixed-guideway transportation systems funding.--

(1) The issuance of revenue bonds by the Division of Bond Finance, on behalf of the Department of Transportation, pursuant to s. 11, Art. VII of the State Constitution, is authorized, pursuant to the State Bond Act, to finance or refinance fixed capital expenditures for fixed-guideway transportation systems, as defined in s. 341.031, including facilities appurtenant thereto, costs of issuance, and other amounts relating to such financing or refinancing. ~~Such revenue bonds shall be matched on a 50-50 basis with funds from sources other than revenues of the Department of Transportation, in a manner acceptable to the Department of Transportation.~~ The Division of Bond Finance is authorized to consider innovative financing techniques, ~~technologies~~ which may include, but are not limited to, innovative bidding and structures of potential financings ~~findings~~ that may result in negotiated transactions.

(a) The department and any participating commuter rail authority or regional transportation authority established under chapter 343, local governments, or local governments collectively by interlocal agreement having jurisdiction of a fixed-guideway transportation system may enter into an interlocal agreement to promote the efficient and cost-effective financing or refinancing of fixed-guideway transportation system projects by revenue bonds issued pursuant to this subsection. The terms of such interlocal agreements shall include provisions for the Department of Transportation to request the issuance of the bonds on behalf of the parties; shall provide that the department's share may be up to 50 percent of the eligible project cost, which may include a share of annual ~~each party to the agreement is contractually liable for an equal share of funding an amount equal to the~~ debt service requirements of such bonds; and shall include any other terms, provisions, or covenants necessary to the making of and full performance under such interlocal agreement. Repayments made to the department under any interlocal agreement are not pledged to the repayment of bonds issued hereunder, and failure of the local governmental authority to make such payment shall not affect the obligation of the department to pay debt service on the bonds.

(b) Revenue bonds issued pursuant to this subsection shall not constitute a general obligation of, or a pledge of the full faith and credit of, the State of Florida. Bonds issued pursuant to this section shall be payable from funds available pursuant to s. 206.46(3), subject to annual appropriation. The amount of revenues available for debt service shall never exceed a maximum of 2 percent of all state revenues deposited into the State Transportation Trust Fund.

(c) The projects to be financed or refinanced with the proceeds of the revenue bonds issued hereunder are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific projects to be financed or refinanced shall be determined by the Department of Transportation in accordance with state law and appropriations from the State Transportation Trust Fund. Each project to be financed with the proceeds of the bonds issued pursuant to this subsection must first be approved by the Legislature by an act of general law.

(d) Any complaint for validation of bonds issued pursuant to this section shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(e) The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder, that it will not repeal or impair or amend these provisions in any manner that will materially and adversely affect the rights of such holders as long as bonds authorized by this subsection are outstanding.

(f) This subsection supersedes any inconsistent provisions in existing law.

Notwithstanding this subsection, the lien of revenue bonds issued pursuant to this subsection on moneys deposited into the State Transportation Trust Fund shall be subordinate to the lien on such moneys of bonds issued under ss. 215.605, 320.20, and 215.616, and any pledge of such moneys to pay operating and maintenance expenses under s. 206.46(5) and chapter 348, as may be amended.

Section 2. Paragraph (a) of subsection (3) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.--

(3)(a) On all construction contracts of $250,000 or less, as well as any construction contract of less than $500,000 which the department has pursuant to s. 337.14 waived prequalification, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days prior to the date on which bids are to be received.

Section 3. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.--

(1) Any person desiring to bid for the performance of any construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in excess of $250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department is authorized to limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid

on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must also be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date on which the application is received by the department. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and noncompliance with the subsection will not endanger public health, safety, or property.

Section 4. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.--

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded multiyear contract price. For a project for which the contract price is $250,000 ~~$150,000~~ or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. If the secretary or the secretary's designee determines that it is in the best interests of the department to do so and that a reduced bonding requirement for a project will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of $250 million or more, and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount which is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount which is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guaranties, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 5. Subsection (1) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.--

(1) Legislative approval of the department's tentative work program that contains the turnpike project constitutes approval to issue bonds as required by s. 11(f), Art. VII of the State Constitution. No more than $6 billion of bonds may be outstanding to fund approved turnpike projects. ~~Turnpike projects approved to be included in future tentative work programs include, but are not limited to, projects contained in the 2003-2004 tentative work program. A maximum of $4.5 billion of bonds may be issued to fund approved turnpike projects.~~

Section 6. Section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.--

(1) A surcharge of $2 ~~$2.00~~ per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer ~~less~~ than nine passengers, regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental and~~. The surcharge~~ is subject to all applicable taxes imposed by this chapter.

(2)(a) Notwithstanding s. ~~the provisions of section~~ 212.20, and less costs of administration, 80 percent of the proceeds of the ~~this~~ surcharge imposed under subsection (1) shall be deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surcharge shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of this surcharge shall be deposited in the Florida International Trade and Promotion Trust Fund. As used in ~~For the purposes of~~ this subsection, "proceeds" of the surcharge means all funds collected and received by the department under subsection (1) ~~this section~~, including interest and penalties on delinquent surcharges. The department shall provide the Department of Transportation rental car surcharge revenue information for the previous state fiscal year by September 1 of each year.

(b) Notwithstanding any other provision of law, in fiscal year 2007-2008 and each year thereafter, the proceeds deposited in the State Transportation Trust Fund shall be allocated on an annual basis in the Department of Transportation's work program to each department district, except the Turnpike District. The amount allocated for each district shall be based upon the amount of proceeds attributed to the counties within each respective district.

(3)(a) In addition to the surcharge imposed under subsection (1), a county may provide by ordinance, to be approved by countywide referendum, for the imposition of a local surcharge of $2 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers, regardless of whether such motor vehicle is licensed in this state. The local surcharge may be applied to only the first 30 days of the term of any lease or rental. The local surcharge shall not apply to the lease or rental of a motor vehicle by a person for the period of time required to have a motor vehicle owned by the person undergo maintenance or repair. The person must provide a receipt for the cost of the maintenance or repair services and documentation that the person owns the motor vehicle undergoing maintenance or repair. The local surcharge is subject to all applicable taxes imposed by this chapter.

(b) If the ordinance authorizing the imposition of the local surcharge is approved by such referendum, a certified copy of the ordinance shall be furnished by the county to the department within 10 days after such approval, but no later than November 16 prior to the effective date. The notice must specify the time period during which the local surcharge will be in effect and must include a copy of the ordinance and such other information as the department may require by rule. Failure to timely provide such notification to the department shall result in the delay of the effective date for a period of 1 year. The effective date for any county to impose the local surcharge shall be January 1 following the year in which the ordinance was approved by referendum. A local surcharge may not terminate on a date other than December 31.

(c) Any local surcharge proceeds collected by a dealer that fails to report surcharge collections by county as required by paragraph (4)(b) shall be deposited into the Solid Waste Management Trust Fund and then transferred to the Local Option Fuel Tax Trust Fund as separate from the county surcharge collection accounts. The department shall distribute funds in this account, less the cost of administration, using a distribution factor determined for each county that levies a local surcharge, based upon the county's latest official population determined pursuant to s. 186.901 and multiplied by the amount of funds in the account and available for distribution.

(d) Notwithstanding s. 212.20, and less the costs of administration, the proceeds of the local surcharge imposed under paragraph (a) shall be transferred to the Local Option Fuel Tax Trust Fund for the purposes allowed under s. 206.60 and distributed monthly by the department under s. 336.025(3)(a)1. or s. 336.025(4)(a), except that the local surcharge proceeds shall be distributed monthly by the department directly to those counties that have entered into interlocal funding agreements with regional transportation authorities created pursuant to chapter 343. As used in this subsection, "proceeds" of the local surcharge means all funds collected and received by the department under this subsection, including interest and penalties on delinquent local surcharges.

(4)~~(3)~~(a) Except as provided in this section, the department shall administer, collect, and enforce the surcharge and local surcharge as provided in this chapter.

(b) The department shall require dealers to report surcharge and local surcharge collections according to the county to which the surcharge and local surcharge were ~~was~~ attributed. For purposes of this section, the surcharge and local surcharge shall be attributed to the county where the rental agreement was entered into.

(c) Dealers who collect a ~~the~~ rental car surcharge shall report to the department all surcharge and local surcharge revenues attributed to the county where the rental agreement was entered into on a timely filed return for each required reporting period. The provisions of this chapter which apply to interest and penalties on delinquent taxes shall apply to the surcharge and local surcharge. The surcharge and local surcharge shall not be included in the calculation of estimated taxes pursuant to s. 212.11. The dealer's credit provided in s. 212.12 shall not apply to any amount collected under this section.

(5)~~(4)~~ The surcharge and any local surcharge imposed by this section do ~~does~~ not apply to a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 7. Paragraph (b) of subsection (1) of section 343.54, Florida Statutes, is amended to read:

343.54 Powers and duties.--

(1)

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a transit system and transit facilities; to establish and determine the policies necessary for the best interest of the operation and promotion of a transit system; and to adopt rules necessary to govern the operation of a transit ~~commuter rail~~ system and transit ~~commuter rail~~ facilities. It is the intent of the Legislature that the South Florida Regional Transportation Authority shall have overall authority to coordinate, develop, and operate a regional transportation system within the area served.

Section 8. Subsection (4) is added to section 343.55, Florida Statutes, to read:

343.55 Issuance of revenue bonds.--

(4) The state pledges to and agrees with any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of the South Florida Regional Transportation Authority Act that the state will not limit or alter the rights vested in the authority under this section until all bonds at any time issued and secured by revenues remitted to the authority pursuant to s. 343.58, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued under this section.

Section 9. Section 343.58, Florida Statutes, is amended to read:

343.58 County funding for the South Florida Regional Transportation Authority.--

(1) Each county served by the South Florida Regional Transportation Authority must dedicate and transfer not less than $2.67 million to the authority annually. The recurring annual $2.67 million must be dedicated by the governing body of each county prior to October 31 of each fiscal year ~~by August 1, 2003~~. ~~Notwithstanding ss. 206.41 and 206.87, such dedicated funding may come from each county's share of the ninth cent fuel tax, the local option fuel tax, or any other source of local gas taxes or other nonfederal funds available to the counties. In addition, the Legislature authorizes the levy of an annual license tax in the amount of $2 for the registration or renewal of registration of each vehicle taxed under s. 320.08 and registered in the area served by the South Florida Regional Transportation Authority. The annual license tax shall take effect in any county served by the authority upon approval by the residents in a county served by the authority. The annual license tax shall be levied and the Department of Highway Safety and Motor Vehicles shall remit the proceeds each month from the tax to the South Florida Regional Transportation Authority.~~

(2) At least $45 million of the state-authorized, local option rental-car surcharge available to Broward, Miami-Dade, and Palm Beach counties shall be directed to the authority to fund its capital, operating, and maintenance expenses. The funding source shall be dedicated to the authority only if Broward, Miami-Dade, and Palm Beach counties each impose the local-option rental-car surcharge.

(3)~~(2)~~ In addition, each county shall continue to annually fund the operations of the South Florida Regional Transportation Authority in an amount not less than $4.2 ~~$1.565~~ million. Revenue raised ~~Such funds~~ pursuant to this subsection shall also be considered a dedicated funding source.

(4) The current funding obligations under subsections (1) and (3) shall cease upon commencement of the collection of funding from the funding source under subsection (2). Should the funding under subsection (2) be discontinued for any reason, the funding obligations under subsections (1) and (3) shall resume when collection from the funding source under subsection (2) ceases. Payment by the counties shall be on a pro rata basis the first year following cessation of the funding under subsection (2). The authority shall refund a pro rata share of the payments for the current fiscal year made pursuant to the current funding obligations under subsections (1) and (3) as soon as reasonably practicable after it begins to receive funds under subsection (2).

(5) If, by December 31, 2015 ~~2009~~, the South Florida Regional Transportation Authority has not received federal matching funds based upon the dedication of funds under subsection (1), subsection (1) shall be repealed.

Section 10. The Legislature finds that a proper and legitimate state purpose is served in the effective and efficient planning and operation of a regional transportation system. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 11. Subsection (3) is added to section 338.161, Florida Statutes, to read:

338.161 Authority of department or toll agencies to advertise and promote electronic toll collection; expanded uses of electronic toll collection system; studies authorized.--

(3)(a) The department or any toll agency created by statute may incur expenses to advertise or promote its electronic toll collection system to consumers on or off the turnpike or toll system.

(b) If the department or any toll agency created by statute finds that it can increase nontoll revenues or add convenience or other value for its customers, the department or toll agency may enter into agreements with any private or public entity allowing the use of its electronic toll collection system to pay parking fees for vehicles equipped with a transponder or similar device. The department or toll agency may initiate feasibility studies of additional future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.

Section 12. George W. Harris, Jr. Boulevard designated; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 98/State Road 35/700 in Polk County between Main Street in Bartow and Main Street in Lakeland is designated as "George W. Harris, Jr. Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating George W. Harris, Jr. Boulevard as described in subsection (1).

Section 13. Angel Manuel De La Portilla Way designated; Department of Transportation to erect suitable markers.--

(1) That portion of S.W. 12th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as "Angel Manuel De La Portilla Way."

(2) The Department of Transportation is directed to erect suitable markers designating Angel Manuel De La Portilla Way as described in subsection (1).

Section 14. Dennis Pastrana Avenue designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 21st Avenue between N.W. 20th Street and N.W. 23rd Street in Miami-Dade County is designated as "Dennis Pastrana Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Dennis Pastrana Avenue as described in subsection (1).

Section 15. Luis Conte Aguero Way designated; Department of Transportation to erect suitable markers.--

(1) That portion of 27th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as "Luis Conte Aguero Way."

(2) The Department of Transportation is directed to erect suitable markers designating Luis Conte Aguero Way as described in subsection (1).

Section 16. Estrella Rubio Way designated; Department of Transportation to erect suitable markers.--

(1) That portion of LeJeune Road/S.W. 42nd Avenue between S.W. 8th Street and Coral Way in Miami-Dade County is designated as "Estrella Rubio Way."

(2) The Department of Transportation is directed to erect suitable markers designating Estrella Rubio Way as described in subsection (1).

Section 17. Rafael Diaz Balart Road designated; Department of Transportation to erect suitable markers.--

(1) That portion of LeJeune Road/S.W. 42nd Avenue between Flagler Street and S.W. 8th Street in Miami-Dade County is designated as "Rafael Diaz Balart Road."

(2) The Department of Transportation is directed to erect suitable markers designating Rafael Diaz Balart Road as described in subsection (1).

Section 18. Ambassador Armando Valladares Drive designated; Department of Transportation to erect suitable markers.--

(1) That portion of N. Kendall Drive between S.W. 117th Avenue and S.W. 127th Avenue in Miami-Dade County is designated as "Ambassador Armando Valladares Drive."

(2) The Department of Transportation is directed to erect suitable markers designating Ambassador Armando Valladares Drive as described in subsection (1).

Section 19. 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 Department of Transportation; amending s. 215.615, F.S.; revising matching requirements for revenue bonds issued for fixed-guideway transportation systems; amending s. 337.11, F.S.; amending notification requirements for construction contracts; amending s. 337.14, F.S.; providing exemptions from prequalification requirements for certain projects; amending s. 337.18, F.S.; revising requirements for surety bonds for certain construction projects; amending s. 338.2275, F.S.; deleting obsolete provisions; revising the maximum amount of bonds that are available for turnpike projects; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing procedures and requirements for imposing the surcharge; providing for time of effect of the surcharge; providing for a distribution and use of funds collected from the surcharge; providing procedures for collection; providing for exceptions; amending s. 343.54, F.S.; revising language relating to powers and duties of the South Florida Regional Transportation Authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for a certain funding source for capital, operating, and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing a statement of important state interest; amending s. 338.161, F.S.; providing for the department and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; designating George W. Harris, Jr. Boulevard in Polk County; designating Angel Manuel De La Portilla Way, Dennis Pastrana Avenue, Luis Conte Aguero Way, Estrella Rubio Way, Rafael Diaz Balart Road, and Ambassador Armando Valladares Drive in Miami-Dade County; directing the department to erect suitable markers; providing an effective date.

Rep. Russell moved the adoption of the amendment.

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

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

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

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

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

CS for SB 1716—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments recommended by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and cost reductions; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meetings through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 100.371, F.S.; specifying that the Financial Impact Estimating Conference is within the legislative branch of government and under the direction of the President of the Senate and the Speaker of the House of Representatives; revising provisions governing public meetings of the conference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the Legislative Budget Commission; requiring state agencies to provide certain information; prescribing authority of the commission with respect to such information; specifying timeframes for the commission in completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring that fiscal impact statements be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the

Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; providing a contingent effective date.

—was read the second time by title.

On motion by Rep. Berfield, CS for SB 1716 was substituted for HB 7181. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 2548—A bill to be entitled An act relating to state financial matters; amending s. 11.243, F.S.; providing for the moneys collected from the sale of the Florida Statutes or other publications to be deposited in a specified trust fund; amending s. 11.513, F.S.; requiring the Chief Justice of the Supreme Court to develop program monitoring plans; requiring that additional data be included in the plans for monitoring major programs of state agencies and the judicial branch and in the reviews of those programs; providing for the Office of Program Policy Analysis and Government Accountability to review agency and judicial branch performance standards and report to the Governor, the Legislature, and the Legislative Budget Commission; amending s. 17.57, F.S.; expanding the investment authority of the state treasury; amending s. 11.151, F.S.; revising the annual appropriation to a certain legislative contingency fund; amending s. 20.435, F.S.; revising a provision relating to certain undisbursed balances of appropriations from the Biomedical Research Trust Fund; amending s. 29.008, F.S.; requiring that the Department of Financial Services review county expenditure reports in order to determine if county expenditures have increased by a specified percentage for certain court-related functions; requiring that the department notify the Legislature and the respective county if a county fails to meet its funding obligations; providing for the Department of Revenue to withhold revenue-sharing receipts under certain circumstances upon the direction of the Legislature; providing that a county has met its funding obligations in certain circumstances; providing for retroactive application; amending s. 29.0085, F.S.; revising the due date of an annual statement of county revenues and expenditures; amending s. 215.18, F.S.; requiring that the Governor provide prior notice of transfers between certain funds; amending s. 215.3206, F.S.; replacing references to a 6-digit fund code in the Florida Accounting Information Resource Subsystem with a classification scheme consistent with the Department of Financial Services' financial systems; amending s. 215.3208, F.S.; revising references to conform; amending s. 215.35, F.S.; revising a provision relating to the numbering of warrants issued by the Chief Financial Officer; amending s. 215.422, F.S.; replacing a reference to certain vouchers with the terms "invoice" or "invoices"; clarifying that agencies or the judicial branch must record and approve certain invoices by a specified date; revising provisions relating to the Department of Financial Services' approval of payment of certain invoices; providing that a vendor who does not submit the appropriate federal taxpayer identification documentation to the department will be deemed an error on the part of the vendor; revising references to conform; amending s. 215.97, F.S.; removing a reference to the appropriations act in a provision relating to the purposes of the Florida Single Audit Act; amending s. 216.011, F.S.; revising the definition of "operating capital outlay" and "qualified expenditure category"; defining the terms "incurred obligation" and "salary rate reserve" for purposes of state fiscal affairs, appropriations, and budgets; amending s. 215.97, F.S.; prescribing forms of payment that may be included in certain contracts involving the State University System or the Florida Community College System; repealing s. 216.346, F.S., relating to contracts between state agencies; amending ss. 215.559, 331.368, 443.1316, 1002.32, F.S., to conform to the repeal of s. 216.346, F.S.; repealing s. 255.258, F.S., relating to shared savings financing of energy conservation in state-owned buildings; amending ss. 287.063, 287.064, F.S.; revising requirements for consolidated financing of deferred payment commodity contracts; amending s. 216.013, F.S.; revising requirements for information regarding performance measures to be included in the long-range program plans of state agencies and the judicial branch; revising a provision relating to making adjustments to long-range program plans; amending s. 216.023, F.S.; revising certain requirements for legislative budget requests; deleting a provision requiring agencies to maintain a certain performance accountability system and provide a list of performance measures; deleting a provision relating to adjustments to executive agency performance standards; deleting a provision relating to adjustments to judicial branch performance standards; amending s. 216.134, F.S.; providing for the responsibility of presiding over sessions of consensus estimating conferences; providing for the Governor, the coordinator of the Office of Economic and Demographic Research, the President of the Senate, and the Speaker of the House of Representatives to designate principals; amending s. 216.136, F.S.; deleting provisions providing for the appointment of principals of consensus estimating conferences; revising the duties of certain agencies relating to the Criminal Justice Estimating Conference, the Social Services Estimating Conference, and the Workforce Estimating Conference; amending s. 216.177, F.S.; clarifying the circumstances under which the Executive Office of the Governor and the Chief Justice of the Supreme Court are required to provide notice to the chair and vice chair of the Legislative Budget Commission; amending s. 216.181, F.S.; providing that amendments to certain approved operating budgets are subject to objection procedures; requiring that state agencies submit to the chair and vice chair of the Legislative Budget Commission a plan for allocating any lump-sum appropriation in a budget amendment; creating s. 216.1811, F.S.; providing requirements for the Governor and the Chief Financial Officer relating to certain approved operating budgets for the legislative branch and appropriations made to the legislative branch; amending s. 216.1815, F.S.; revising certain requirements for the performance standards included in an amended operating budget plan and request submitted to the Legislative Budget Commission; creating s. 216.1827, F.S.; requiring that each state agency and the judicial branch maintain a performance accountability system; requiring agencies and the judicial branch to submit specified information to the Executive Office of the Governor and the Legislature or the Office of Program Policy Analysis and Government Accountability for review; providing guidelines for requests to delete or amend existing approved performance measures and standards; specifying authority of the Legislature relating to agency and judicial branch performance measures and standards; amending s. 216.251, F.S.; prohibiting an agency from providing salary increases or pay additives for certain positions without legislative authorization; amending s. 216.292, F.S.; providing that certain transfers between budget entities are subject to objection procedures; clarifying provisions authorizing certain transfers of appropriations from trust funds; providing that requirements of specified provisions relating to appropriations being nontransferable do not apply to legislative branch budgets; amending s. 216.301, F.S.; revising the requirements for undisbursed balances of appropriations; revising a procedure for identifying and paying incurred obligations; clarifying requirements governing unexpended balances of appropriations; removing a provision relating to notification to retain certain balances from legislative budget entities; amending s. 252.37, F.S.; providing that a transfer of moneys with a budget amendment following a state of emergency is subject to approval by the Legislative Budget Commission; amending s. 273.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish certain requirements by rule relating to the recording and inventory of certain state-owned property; creating s. 273.025, F.S.; requiring the Chief Financial Officer to establish by rule certain requirements relating to the capitalization of certain property; amending s. 273.055, F.S.; revising responsibility for rules relating to maintaining records as to disposition of state-owned tangible personal property; revising a provision relating to use of moneys received from the disposition of state-owned tangible personal property; amending s. 274.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish by rule requirements relating to the recording and inventory of certain property owned by local governments; amending s. 338.2216, F.S.; revising requirements relating to unexpended funds appropriated or provided for the Florida Turnpike Enterprise; amending s. 1011.57, F.S.; revising requirements relating to unexpended funds appropriated to the Florida School for the Deaf and the Blind; repealing s. 215.29, F.S., relating to the classification of Chief Financial Officer's warrants; providing effective dates.

—was read the second time by title.

On motion by Rep. Brummer, the rules were waived and CS for SB 2548 was substituted for HB 7189. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 2518—A bill to be entitled An act relating to procurement of contractual services by a state agency; amending s. 287.057, F.S.; prohibiting a state agency from renewing or amending a contract for outsourcing under certain conditions; requiring certain qualifications for persons chosen to conduct negotiations during specified procurements; requiring the department to adopt rules governing those qualifications; requiring that a specified statement be included in procurements of commodities and services which prohibits contact between respondents and specified employees of the executive and legislative branches; creating s. 287.0571, F.S.; creating the Florida Efficient Government Act; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; creating s. 287.05721, F.S.; providing definitions; creating s. 287.0573, F.S.; creating the Council on Efficient Government; providing the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to review and issue advisory reports on certain state agency procurements; requiring the department to employ adequate number of staff; requiring the Secretary of Management Services to appoint an executive director; requiring state agencies to submit materials required by the council; creating s. 287.0574, F.S.; providing requirements for certain business cases to outsource by a state agency; requiring a state agency to develop a business case that describes and analyzes a contractual services procurement under consideration; providing that the business case is not subject to challenge or protest under the Administrative Procedure Act; providing required components of a business case; providing contract requirements for an outsourcing procurement; amending s. 287.058, F.S.; providing that a contract may not prohibit a contractor from lobbying the executive or legislative branches concerning specified contract issues, within specified time lines; creating s. 287.074, F.S.; requiring that only public officers or employees perform certain functions; prohibiting a contractor from participating in the procurement of contractual services by a state agency; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations; providing that certain state agencies are subject to the act; amending s. 119.071, F.S.; deleting a cross-reference; defining the term "commerical activity" for purposes of a provision authorizing the release of social security numbers; providing an effective date.

—was read the second time by title.

On motion by Rep. Rivera, CS for CS for SB 2518 was substituted for HB 7185. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 530333)

Amendment 1 (with title amendment)—On page 17, between lines 3 and 4,

insert:

(6) For any proposed outsourcing, a state employee or state employees shall have the right to submit a proposal or business case analysis as an alternative to the proposed outsourcing. In the event that the proposal is accepted and the implementation thereof results in savings to the state, the state employee or employees shall receive a 10-percent share of the savings realized as a result of the implementation of the proposal, not to exceed $100,000.

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

On page 2, line 11, after the semicolon,

insert: providing that state employees shall have the right to submit a proposal or business case analysis as an alternative to any proposed outsourcing; providing for payment of a share of savings realized as a result of the implementation of a proposal; providing a limitation on such payment;

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

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: 152061)

Amendment 2 (with directory and title amendments)—On page 17, between lines 3 and 4, insert:

Section 6. Section 287.0577, Florida Statutes, is created to read:

287.0577 Productivity Commission.--

(1) PRODUCTIVITY COMMISSION.--There is created within the Executive Office of the Governor a Productivity Commission composed of the Governor and Cabinet. The Governor is chair of the commission. The Governor or the Chief Financial Officer may call a meeting of the commission promptly each time the need therefore arises. Unless otherwise provided herein, affirmative action by the commission shall require the approval of the Governor and at least two other members of the commission. The commission is subject to all relevant requirements contained in s. 20.052.

(2) FLEXIBLE FLORIDA GOVERNMENT AWARD.--The Legislature finds that incentive awards are an effective tool for encouraging creative and innovative solutions within government agencies. In order to provide incentives to executive agency personnel to create, implement, or participate in flexible methods of delivering services to the citizens of the state, the Legislature hereby creates the Flexible Florida Government Award.

(3) DEFINITIONS.--For purposes of this section, the following definitions apply:

(a) "Award" means the Flexible Florida Government Award created in subsection (2).

(b) "Commission" means the Productivity Commission created in subsection (1).

(c) "Eligible awardee" means any department, division, bureau, section, office, or other structural unit of the executive branch, or any personnel providing services for such a unit.

(d) "Eligible project" means any program or activity subject to the review process contained in s. 287.0574.

(4) ORGANIZATION; DUTIES.--The commission shall meet once annually to review all eligible projects and eligible awardees involved in eligible projects. The commission may issue any number of awards, however, the cumulative total of all awards shall not exceed $100,000. Awards shall be issued in the following manner:

(a) Any member of the commission may submit to the chair a request identifying a potential award. The request must contain:

1. A description of the activity or service delivered by the project.

2.a. If the potential award is based on agency cost-avoidance, an explanation of savings generated by the project since its inception;

b. If the potential award is based on agency innovation, the additional services provided at the same cost; or

c. If the potential award is based on a transformation of services provided, the fundamental change in the services provided.

3. The eligible awardees, including a list of every individual in the unit intended to receive the award and the amount granted to each individual.

(b) The commission shall review and vote on all member requests. Upon the successful vote of at least three members of the commission, the request shall be granted and an award issued to the eligible awardees identified in the request.

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

On page 2, line 11,
remove: all of said line and insert:

for an outstanding procurement; creating the Productivity Commission composed of the Governor and Cabinet within the Executive Office of the Governor; providing that the Governor shall chair the commission; providing for meetings of the commission; providing commission procedure; providing for the creation of the Flexible Florida Government Award; providing purpose of the award; providing definitions; providing for organization of the commission; providing duties and responsibilities of the commission; amending s.

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 440965)

Amendment 3 (with title amendment)—On page 26, between lines 16 and 17,

insert:

Section 14. Subsection (3) is added to section 255.248, Florida Statues, to read:

255.248 Definitions; ss. 255.249 and 255.25.--The following definitions shall apply when used in ss. 255.249 and 255.25:

(3) The term "competitive solicitation" shall mean an invitation to bid, a request for proposals, or an invitation to negotiate.

Section 15. Paragraph (b) of subsection (4) of section 255.249, Florida Statutes, is amended to read:

255.249 Department of Management Services; responsibility; department rules.--

(4) The department shall promulgate rules pursuant to chapter 120 providing:

(b) Procedures for soliciting and accepting competitive solicitations ~~proposals~~ for leased space of 5,000 square feet or more in privately owned buildings, for evaluating the proposals received, for exemption from competitive solicitation ~~bidding~~ requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid.

Section 16. Paragraph (a) of subsection (3) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.--

(3)(a) Except as provided in subsection (10), no state agency shall enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive solicitations ~~bids~~ and award to the lowest and best lessor that provides the best overall value to the state ~~bidder~~. The Department of Management Services shall have the authority to approve a lease for 5,000 square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

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

On page 2, line 29,
remove: all of said line

and insert:

numbers; amending s. 255.248, F.S.; defining "competitive solicitation"; amending s. 255.249, F.S.; requiring the Department of Management Services to promulgate rules providing procedures for soliciting and accepting competitive solicitations for certain leased space and for exemption from competitive solicitation requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs; amending s. 255.25, F.S.; providing that no state agency shall enter into a lease as lessee for the use of a specified amount of space in a privately owned building except upon advertisement for and receipt of competitive solicitations and award to the lowest and best lessor that provides the best overall value to the state; providing an effective date.

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

Session Vote Sequence: 1070

Speaker Bense in the Chair.

Yeas—91

Adams	Cretul	Henriquez	Pickens
Allen	Culp	Homan	Planas
Altman	Davis, D.	Hukill	Poppell
Anderson	Davis, M.	Johnson	Proctor
Arza	Dean	Jordan	Quinones
Attkisson	Detert	Kendrick	Reagan
Ausley	Domino	Kottkamp	Rice
Barreiro	Evers	Kravitz	Rivera
Baxley	Farkas	Kreegel	Robaina
Bean	Flores	Kyle	Ross
Bense	Galvano	Legg	Rubio
Benson	Garcia	Littlefield	Russell
Berfield	Gardiner	Llorente	Sansom
Bilirakis	Gibson, H.	Lopez-Cantera	Simmons
Bogdanoff	Glorioso	Machek	Sorensen
Bowen	Goldstein	Mahon	Stansel
Brandenburg	Goodlette	Mayfield	Stargel
Brown	Grant	McInvale	Traviesa
Brummer	Greenstein	Mealor	Troutman
Cannon	Grimsley	Murzin	Waters
Carroll	Harrell	Needelman	Williams
Clarke	Hasner	Negron	Zapata
Coley	Hays	Patterson	

Nays—25

Antone	Gelber	Porth	Smith
Bendross-Mindingall	Gibson, A.	Richardson	Sobel
Brutus	Gottlieb	Roberson	Taylor
Bucher	Joyner	Ryan	Vana
Cusack	Justice	Sands	
Fields	Meadows	Seiler	
Gannon	Peterman	Slosberg	

Votes after roll call:
Yeas—Ambler

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

CS for SB 2000—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign; amending s. 112.313, F.S.; prohibiting certain disclosures or use by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; clarifying that existing postemployment restrictions apply to certain agency employees; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; providing definitions; amending s. 112.3144, F.S.; specifying how assets and liabilities valued in excess of $1,000 are to be reported by a reporting individual; conforming a cross-reference; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a

report relating to gifts; revising certain filing deadlines; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending s. 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on July 1, 2006, until the expiration of their current terms; amending s. 11.045, F.S.; redefining the term "expenditure" for purposes of provisions governing lobbying before the Legislature; amending s. 112.3215, F.S.; redefining the term "expenditure" for purposes of provisions governing lobbying before the executive branch or the Constitution Revision Commission; applying requirements concerning lobbying to county officers; defining the term "county officer"; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of certain lobbyist registrations if the fine is not timely paid; requiring the commission to provide written notice to affected principals when a lobbyist's registration is automatically suspended and reinstated; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by or proceeding before the Commission on Ethics; providing effective dates.

—was read the second time by title.

On motion by Rep. Ryan, CS for SB 2000 was substituted for HB 493. Under Rule 5.14, the House bill was laid on the table.

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: 676045)

Amendment 1 (with title amendment)—On page 27, line(s) 15, through page 38, line 30,
remove: all of said lines

and insert:

Section 13. Paragraph (e) of subsection (5) of section 112.3215, Florida Statutes, as amended by section 5 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.--

(5)

(e) The commission shall provide by rule the grounds for waiving a fine, the procedures ~~a procedure~~ by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

Section 14. Effective April 1, 2007, paragraph (d) of subsection (5) of section 112.3215, Florida Statutes, as amended by section 6 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission;

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

On page 3, line(s) 2-4,
remove: all of said lines

and insert:
Revision Commission; requiring

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

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

SB 124—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that a law enforcement agency is not liable for injury, death, or property damage effected or caused by a person fleeing a law enforcement officer under certain circumstances; providing for severability; providing for application; providing an effective date.

—was read the second time by title.

On motion by Rep. Patterson, SB 124 was substituted for HB 199. Under Rule 5.14, the House bill was laid on the table.

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

On motion by Rep. Goodlette, consideration of **SB 346** was temporarily postponed.

CS for SB 460—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; providing for the proceeds from the sale of Police Athletic League license plates to be distributed to the State of Florida Association of Police Athletic/Activities Leagues, Inc.; authorizing the use of a portion of such fees for administrative and promotional cost; amending s. 320.08068, F.S.; revising provisions governing distribution of the proceeds from the sale of motorcycle specialty license plates; revising the amount and permissible uses of the proceeds; requiring that a portion of the proceeds be distributed to the Blind Services Foundation of Florida; providing an effective date.

—was read the second time by title.

On motion by Rep. Jordan, the rules were waived and CS for SB 460 was substituted for HB 385. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 1080—A bill to be entitled An act relating to child protective services; amending s. 39.01, F.S.; revising definitions relating to child protective services; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules for sharing information contained in a child's case plan with the custodian and family services counselor; amending s. 39.013, F.S.; removing provisions relating to continuances; creating s. 39.0136, F.S.; providing for time limitations in child protective cases; providing exceptions; creating s. 39.0137; providing that state laws do not supersede certain federal laws; requiring the Department of Children and Family Services to adopt rules; creating s. 39.0138, F.S.; requiring the department to conduct a criminal history records check of any person being considered as a prospective foster parent; prohibiting a court from placing a child with a person if the person's criminal history records check shows that the person was convicted of certain specified felonies; requiring a person to disclose to the department pending criminal proceedings; providing that a court may review the granting or denial of the placement of a child based upon a criminal offense; providing that the person seeking placement of a child has the burden of setting forth evidence that he or she will not endanger the child if placement is allowed; amending s. 39.201, F.S.; requiring that any person who knows or suspects that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, must report this information to the central abuse hotline of the Department of Children and Family Services; amending s. 39.301, F.S.; providing that the department may rely upon a previous report to indicate that child abuse has occurred; redefining the term "criminal conduct" to include a child who is known or suspected to be a victim of human trafficking; requiring each child protective investigator to inform the person who is the subject of a child protective investigation that he or she has a duty to report any change in the residence or location of the child to the investigator and that the duty to report continues until the investigation is closed; providing that if the child has moved to a different residence or location, a report may be filed with a law enforcement agency under certain circumstances; amending 39.303, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; requiring that a shelter hearing order contain specified information relating to the availability of services to prevent removal from the home; amending s. 39.507, F.S.; requiring the court to inquire of the parents whether the parents have relatives who might be considered as a placement for the child; requiring that the court advise the parents that if they fail to comply with the case plan their parental rights may be terminated; amending s. 39.5085, F.S.; conforming provisions to changes made by the act; correcting cross-references; amending s. 39.521, F.S.; clarifying circumstances under which transferring custody to an adult relative must be considered; amending s. 39.522, F.S.; requiring the court to consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child in a postdisposition proceeding to modify custody; creating s. 39.6011, F.S.; providing procedures for drafting and implementing a case plan; requiring the department to prepare a case plan for each child receiving services from the department; requiring certain face-to-face meetings; creating s. 39.6012, F.S.; providing for case plan tasks and services; providing the content for the case plan; creating s. 39.6013, F.S.; providing for amendments to a case plan; describing the circumstance under which a case plan may be modified; amending s. 39.603, F.S.; requiring that case plans and amendments be approved by the court; amending s. 39.621, F.S.; declaring that time is of the essence for a child in the dependency system; providing prehearing procedures; providing for permanency hearings; directing the court to make certain findings at the permanency hearing; creating s. 39.6221, F.S.; providing for the permanent guardianship for a dependent child; authorizing the court to consider a permanent guardian as a long-term option for a dependent child; requiring a written order; providing for the contents of the permanent guardianship order; creating s. 39.6231, F.S.; providing for placement with a fit and willing relative; requiring the court to specify the reasons to place a child with a relative; providing for the department to supervise the placement for a specified time period; creating s. 39.6241, F.S.; authorizing the court to place a child in another planned permanent living arrangement under certain circumstances; amending s. 39.701, F.S.; requiring that a child's current health and education records be included in the documentation for the judicial review report; requiring the court to conduct a judicial review 6 months after the child was placed in shelter care; creating s. 39.8055, F.S.; requiring the department to file a petition or to join in a petition to terminate parental rights within a specified number of days under certain circumstances; providing exceptions; providing examples of compelling reasons for the department not to file or to join a petition to terminate parental rights; authorizing the court to review the decision by the department for not filing or joining a petition for termination of parental rights; amending s. 39.806, F.S.; authorizing a material breach of the case plan as a ground to terminate parental rights; requiring that the department show, and the court find, the material breach by clear and convincing evidence; amending s. 39.810, F.S.; providing certain factors for the court to consider for the best interest of the child; amending s. 39.811, F.S.; conforming provisions to changes made by the act; amending ss. 39.0015, 39.205, 39.302, 39.828, 63.092, and 419.001, F.S.; correcting cross-references; reenacting s. 39.802(5), F.S., relating to the filing of a petition to terminate parental rights, to incorporate the amendments made to s. 39.806, F.S., in a reference thereto; repealing ss. 39.601, 39.622, 39.623, 39.624, 39.703, and 435.045, F.S., relating to case plan requirements, long-term custody of a dependent child, long-term licensed custody of a dependent child, independent living, the initiation of termination of parental rights proceedings, and background screening of certain persons before a dependent child is placed in their home, respectively; providing an effective date.

—was read the second time by title.

On motion by Rep. Galvano, CS for CS for SB 1080 was substituted for HB 7123. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Kyle offered the following:

(Amendment Bar Code: 267139)

Amendment 1 (with title amendment)—On page 93, between line(s) 20 and 21,

insert:

Section 36. A county shall not impose or enforce any regulation upon the owner of a license to operate a taxi, jitney, limousine for hire, rental car, or other passenger vehicle for hire, or the shareholders of a corporation that owns a license to operate a taxi, jitney, limousine for hire, rental car, or other passenger vehicle for hire, which restricts the inheritance, bequest, gift, sale, or other transfer of the license or the shares of the corporation to another person or entity.

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

On page 5, line(s) 28,
remove: all of said line

and insert:
placed in their home, respectively; prohibiting a county from imposing or enforcing regulations upon the owners or shareholders of a corporation who own a license to operate certain commercial vehicles that restrict the inheritance, bequest, gift, sale, or other transfer of the license or the shares of the corporation to another person or entity; providing

Rep. Kyle moved the adoption of the amendment.

Point of Order

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

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

CS for CS for SB 1212—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 403.067, F.S., relating to an exemption from public-records requirements provided for individual agricultural records of processes, methods of production, and costs which are not otherwise public records and which are reported to the Department of Agriculture and Consumer Services; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemption; providing an effective date.

—was read the second time by title.

On motion by Rep. Rivera, CS for CS for SB 1212 was substituted for HB 7209. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 1286—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.655, F.S.; revising the duties of the Florida Substance Abuse and Mental Health Corporation; requiring the corporation to ensure the provision of services that promote recovery and resiliency-based systems of care; requiring that certain members appointed to the corporation be primary consumers of mental health or substance abuse services or family members of primary consumers of such services; defining the term "primary consumer"; delaying the date when provisions establishing the corporation are scheduled to expire; amending s. 394.66, F.S.; revising and providing additional legislative intent with respect to the substance abuse and mental health services provided by the Department of Children and Family Services and its providers; requiring that continuity of care be ensured for persons having a mental illness who are released from a state correctional facility; repealing s. 3 of ch. 2003-279, Laws of Florida; deleting the expiration date of s. 20.19(2)(c) and (4)(b)6. and 8., F.S., relating to the Mental Health and Substance Abuse Program Offices and the appointment of the Assistant Secretary for Substance Abuse and Mental Health and other personnel; providing an effective date.

—was read the second time by title.

On motion by Rep. H. Gibson, CS for CS for SB 1286 was substituted for HB 619. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 1450—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Donate Organs-Pass It On license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

On motion by Rep. Gannon, CS for CS for SB 1450 was substituted for HB 963. Under Rule 5.14, the House bill was laid on the table.

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

SB 1408—A bill to be entitled An act relating to medical records; amending s. 456.057, F.S.; providing definitions; requiring a health care practitioner's employer who is a records owner and a records custodian to comply with specified requirements for confidentiality and disclosure; amending s. 456.42, F.S.; providing requirements for prescriptions of medicinal drugs by health care practitioners which are electronically generated or transmitted; creating s. 456.43, F.S.; regulating electronic prescribing for medicinal drugs; providing restrictions for electronic prescribing software; providing definitions; authorizing electronic prescribing software to show information regarding a payor's formulary under certain circumstances; amending s. 465.025, F.S.; specifying requirements for a prescriber to prevent generic substitution of brand name drugs when a prescription is electronically transmitted or generated; amending s. 381.028, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

On motion by Rep. Garcia, SB 1408 was substituted for HB 7125. Under Rule 5.14, the House bill was laid on the table.

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

CS for SB 1528—A bill to be entitled An act relating to environmental protection; amending s. 403.413, F.S.; clarifying who is liable for dumping under the Florida Litter Law; amending s. 403.4131, F.S.; deleting the provisions relating to Keep Florida Beautiful, Inc.; providing that certain counties are encouraged to develop a regional approach to coordinating litter control and prevention programs; deleting certain requirements for a litter survey; deleting the provisions relating to the Wildflower Advisory Council; amending s. 403.41315, F.S.; conforming provisions to changes made to the Keep Florida Beautiful, Inc., program; amending s. 403.4133, F.S.; placing the Adopt-a-Shore Program within the Department of Environmental Protection; amending s. 320.08058, F.S.; requiring that the proceeds of the fees paid for Wildflower license plates be distributed to the Wildflower Foundation, Inc.; specifying uses of the proceeds; requiring that such proceeds be distributed to the Department of Agriculture and Consumer Services under certain circumstances; amending s. 403.703, F.S.; reordering definitions in alphabetical order; clarifying certain definitions and deleting definitions that are not used; amending s. 403.704, F.S.; deleting certain obsolete provisions relating to the state solid waste management program; amending s. 403.7043, F.S.; deleting certain obsolete and conflicting provisions relating to compost standards; amending s. 403.7045, F.S.; providing that industrial byproducts are not regulated under certain circumstances; conforming a cross-reference; clarifying certain provisions governing dredged material; amending s. 403.7061, F.S.; authorizing the Department of Environmental Protection to initiate rulemaking regarding waste-to-energy facilities; amending s. 403.707, F.S.; clarifying the Department of Environmental Preservation's permit authority; deleting certain obsolete provisions; extending the time period for a public hearing when a local government seeks to exempt certain material from the definition of construction and demolition debris; providing that upon the transfer of ownership or control of a solid waste facility that facility may not operate until the permit is transferred by the Department of Environmental Protection or consent is given to operate by the current permitholder; creating s. 403.7071, F.S.; providing for the management and disposal of storm-generated debris; amending s. 403.708, F.S.; deleting obsolete provisions and clarifying certain provisions governing landfills; amending s. 403.709, F.S.; revising the provisions relating to the distribution of the waste tire fees; amending s. 403.7095, F.S., relating to the solid waste management grant program; conforming a cross-reference; amending s. 403.7125, F.S.; deleting certain definitions that appear elsewhere in law and clarifying certain financial-disclosure provisions; amending s. 403.716, F.S.;

deleting certain provisions relating to the training of certain facility operators; amending s. 403.717, F.S.; clarifying the provisions relating to waste tires and the processing of waste tires; transferring, renumbering, and amending s. 403.7221, F.S.; increasing the duration of certain research, development, and demonstration permits; amending s. 403.722, F.S.; clarifying provisions relating to who is required to obtain certain hazardous waste permits; amending s. 403.7226, F.S.; deleting a provision requiring a report that is duplicative of other reports; amending s. 403.724, F.S.; clarifying certain financial-assurance provisions; amending s. 403.7255, F.S.; providing additional requirements regarding the public notification of certain contaminated sites; amending s. 403.726, F.S.; authorizing the Department of Environmental Protection to issue an order to abate certain hazards; amending s. 403.7265, F.S.; deleting provisions relating to the development of a statewide local hazardous waste management plan; requiring a local government to provide matching funds for certain grants; providing that matching funds are not required under certain conditions; repealing s. 403.7075, F.S., relating to the submission of certain plans for solid waste management facilities; repealing s. 403.756, F.S., relating to an annual used-oil report; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act; providing an effective date.

—was read the second time by title.

On motion by Rep. Sands, the rules were waived and CS for SB 1528 was substituted for HB 7133. Under Rule 5.14, the House bill was laid on the table.

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

Representative Sands offered the following:

(Amendment Bar Code: 895289)

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. 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.

(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. Subsection (4) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.--

(4) DUMPING LITTER PROHIBITED.--Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) In or on any private property, unless prior consent of the owner has been given and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.

Section 12. Section 403.4131, Florida Statutes, is amended to read:

403.4131 Litter control; Wildflower Advisory Council ~~"Keep Florida Beautiful, Incorporated"; placement of signs.~~--

~~(1) It is the intent of the Legislature that a coordinated effort of interested businesses, environmental and civic organizations, and state and local agencies of government be developed to plan for and assist in implementing solutions to the litter and solid waste problems in this state and that the state provide financial assistance for the establishment of a nonprofit organization with the name of "Keep Florida Beautiful, Incorporated," which shall be registered, incorporated, and operated in compliance with chapter 617. This nonprofit organization shall coordinate the statewide campaign and operate as the grassroots arm of the state's effort and shall serve as an umbrella organization for volunteer-based community programs. The organization shall be dedicated to helping Florida and its local communities solve solid waste problems, to developing and implementing a sustained litter prevention campaign, and to act as a working public-private partnership in helping to implement the state's Solid Waste Management Act. As part of this effort, Keep Florida Beautiful, Incorporated, in cooperation with the Environmental Education Foundation, shall strive to educate citizens, visitors, and businesses about the important relationship between the state's environment and economy. Keep Florida Beautiful, Incorporated, is encouraged to explore and identify economic incentives to improve environmental initiatives in the area of solid waste management. The membership of the board of directors of this nonprofit organization may include representatives of the following organizations: the Florida League of Cities, the Florida Association of Counties, the Governor's Office, the Florida Chapter of the National Solid Waste Management Association, the Florida Recyclers Association, the Center for Marine Conservation, Chapter of the Sierra Club, the Associated Industries of Florida, the Florida Soft Drink Association, the Florida Petroleum Council, the Retail Grocers Association of Florida, the Florida Retail Federation, the Pulp and Paper Association, the Florida Automobile Dealers Association, the Beer Industries of Florida, the Florida Beer Wholesalers Association, and the Distilled Spirits Wholesalers.~~

~~(2) As a partner working with government, business, civic, environmental, and other organizations, Keep Florida Beautiful, Incorporated, shall strive to assist the state and its local communities by contracting for the development of a highly visible antilitter campaign that, at a minimum, includes:~~

~~(a) Coordinating with the Center for Marine Conservation and the Center for Solid and Hazardous Waste Management to identify components of the marine debris and litter stream and groups that habitually litter.~~

~~(b) Designing appropriate advertising to promote the proper management of solid waste, with emphasis on educating groups that habitually litter.~~

~~(c) Fostering public awareness and striving to build an environmental ethic in this state through the development of educational programs that result in an understanding and in action on the part of individuals and organizations about the role they must play in preventing litter and protecting Florida's environment.~~

~~(d) Developing educational programs and materials that promote the proper management of solid waste, including the proper disposal of litter.~~

~~(e) Administering grants provided by the state. Grants authorized under this section shall be subject to normal department audit procedures and review.~~

(1)~~(3)~~ The Department of Transportation shall establish an "adopt-a-highway" program to allow local organizations to be identified with specific highway cleanup and highway beautification projects authorized under s. 339.2405 ~~and shall coordinate such efforts with Keep Florida Beautiful, Inc~~. The department shall report to the Governor and the Legislature on the progress achieved and the savings incurred by the "adopt-a-highway" program. The department shall also monitor and report on compliance with provisions of the adopt-a-highway program to ensure that organizations that participate in the program comply with the goals identified by the department.

(2)~~(4)~~ The Department of Transportation shall place signs discouraging litter at all off-ramps of the interstate highway system in the state. ~~The department shall place other highway signs as necessary to discourage littering through use of the antilitter program developed by Keep Florida Beautiful, Incorporated.~~

(3)~~(5)~~ Each county is encouraged to initiate a litter control and prevention program or to expand upon its existing program. The department shall establish a system of grants for municipalities and counties to implement litter control and prevention programs. In addition to the activities described in subsection (1), such grants shall at a minimum be used for litter cleanup, grassroots educational programs involving litter removal and prevention, and the placement of litter and recycling receptacles. Counties are encouraged to form working public private partnerships as authorized under this section to implement litter control and prevention programs at the community level. The grants authorized pursuant to this section shall be incorporated as part of the recycling and education grants. Counties that have a population under 100,000 ~~75,000~~ are encouraged to develop a regional approach to administering and coordinating their litter control and prevention programs.

~~(6) The department may contract with Keep Florida Beautiful, Incorporated, to help carry out the provisions of this section. All contracts authorized under this section are subject to normal department audit procedures and review.~~

~~(7) In order to establish continuity for the statewide program, those local governments and community programs receiving grants for litter prevention and control must use the official State of Florida litter control or campaign symbol adopted by Keep Florida Beautiful, Incorporated, for use on various receptacles and program material.~~

~~(8) The Legislature establishes a litter reduction goal of 50 percent reduction from the period January 1, 1994, to January 1, 1997. The method of determination used to measure the reduction in litter is the survey conducted by the Center for Solid and Hazardous Waste Management. The center shall consider existing litter survey methodologies.~~

~~(9) The Department of Environmental Protection shall contract with the Center for Solid and Hazardous Waste Management for an ongoing annual litter survey, the first of which is to be conducted by January 1, 1994. The center shall appoint a broad based work group not to exceed seven members to assist in the development and implementation of the survey. Representatives from the university system, business, government, and the environmental community shall be considered by the center to serve on the work group. Final authority on implementing and conducting the survey rests with the center. The first survey is to be designed to serve as a baseline by measuring the amount of current litter and marine debris, and is to include a methodology for measuring the reduction in the amount of litter and marine debris to determine the progress toward the litter reduction goal established in subsection (8). Annually thereafter, additional surveys are to be conducted and must also include a methodology for measuring the reduction in the amount of litter and for determining progress toward the litter reduction goal established in subsection (8).~~

(4)~~(10)~~(a) There is created within the Department of Agriculture and Consumer Services ~~within Keep Florida Beautiful, Inc.,~~ the Wildflower Advisory Council, consisting of a maximum of ten ~~nine~~ members ~~to direct and oversee the expenditure of the Wildflower Account~~. The Wildflower Advisory Council shall include a representative from the University of Florida Institute of Food and Agricultural Sciences, the Florida Department of Transportation, the Department of Agriculture and Consumer Services, ~~and~~ the Florida Department of Environmental Protection, the Florida League of Cities, and the Florida Association of Counties. Other members of the committee may include representatives from the Florida Federation of Garden Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the American Society of Landscape Architects, Inc., and a representative of the Master Gardener's Program.

(b) The Wildflower Advisory Council shall advise the Department of Agriculture and Consumer Services and develop procedures of operation, research contracts, educational and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses. The council shall also make recommendations to the department concerning ~~the final determination of~~ what constitutes acceptable species of wildflowers and other plantings supported by these programs.

Section 13. Section 403.41315, Florida Statutes, is amended to read:

403.41315 Comprehensive illegal dumping, litter, and marine debris control and prevention.--

(1) The Legislature finds that a comprehensive illegal dumping, litter, and marine debris control and prevention program is necessary to protect the beauty and the environment of Florida. The Legislature also recognizes that a comprehensive illegal dumping, litter, and marine debris control and prevention program will have a positive effect on the state's economy. The Legislature finds that the state's rapid population growth, the ever-increasing mobility of its population, and the large number of tourists contribute to the need for a comprehensive illegal dumping, litter, and marine debris control and prevention program. The Legislature further finds that the program must be coordinated and capable of having statewide identity and grassroots community support.

(2) The comprehensive illegal dumping, litter, and marine debris control and prevention program at a minimum must include the following:

(a) A local ~~statewide~~ public awareness and educational campaign~~, coordinated by Keep Florida Beautiful, Incorporated,~~ to educate individuals, government, businesses, and other organizations concerning the role they must assume in preventing and controlling litter.

(b) Enforcement provisions authorized under s. 403.413.

(c) Enforcement officers whose responsibilities include grassroots education along with enforcing litter and illegal dumping violations.

(d) Local illegal dumping, litter, and marine debris control and prevention programs operated at the county level with emphasis placed on grassroots educational programs designed to prevent and remove litter and marine debris.

(e) A statewide adopt-a-highway program as authorized under s. 403.4131.

(f) The highway beautification program authorized under s. 339.2405.

(g) A statewide Adopt-a-Shore program that includes beach, river, and lake shorelines and emphasizes litter and marine debris cleanup and prevention.

(h) The prohibition of balloon releases as authorized under s. 372.995.

(i) The placement of approved identifiable litter and recycling receptacles.

(j) Other educational programs that are implemented at the grassroots level ~~coordinated through Keep Florida Beautiful, Inc.,~~ involving volunteers and community programs that clean up and prevent litter, including Youth Conservation Corps activities.

Section 14. Section 403.4133, Florida Statutes, is amended to read:

403.4133 Adopt-a-Shore Program.--

(1) The Legislature finds that litter and illegal dumping present a threat to the state's wildlife, environment, and shorelines. The Legislature further finds that public awareness and education will assist in preventing litter from being illegally deposited along the state's shorelines.

(2) The Adopt-a-Shore Program shall be created within the Department of Environmental Protection ~~nonprofit organization referred to in s. 403.4131(1), named Keep Florida Beautiful, Incorporated~~. The program shall be designed to educate the state's citizens and visitors about the importance of litter prevention and shall include approaches and techniques to remove litter from the state's shorelines.

(3) For the purposes of this section, the term "shoreline" includes, but is not limited to, beaches, rivershores, and lakeshores.

Section 15. Subsection (28) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(28) FLORIDA WILDFLOWER LICENSE PLATES.--

(a) The department shall develop a Florida Wildflower license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "State Wildflower" and "coreopsis" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Department of Agriculture and Consumer Services, to be used for the purposes set forth in ~~Wildflower Account established by Keep Florida Beautiful, Inc., created by~~ s. 403.4131. The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in this state. A maximum of 10 percent of the proceeds from the sale of such plates may be used for administrative costs.

Section 16. All unexpended proceeds of fees paid for Wildflower license plates which are held by Keep Florida Beautiful, Inc., must be transferred to the Department of Agriculture and Consumer Services promptly after the effective date of this act.

Section 17. Section 403.703, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 403.703, F.S., for present text.)

403.703 Definitions.--As used in this part, the term:

(1) "Ash residue" has the same meaning as in the department rule governing solid waste combustors which defines the term.

(2) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(3) "Biomedical waste" means any solid waste or liquid waste that may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste that contains human-disease-causing agents; discarded disposable sharps; human blood and human blood products and body fluids; and other materials

that in the opinion of the Department of Health represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(4) "Clean debris" means any solid waste that is virtually inert, that is not a pollution threat to groundwater or surface waters, that is not a fire hazard, and that is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the department.

(5) "Closure" means the cessation of operation of a solid waste management facility and the act of securing such facility so that it will pose no significant threat to human health or the environment and includes long-term monitoring and maintenance of a facility if required by department rule.

(6) "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land-development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project.

(b) Except as provided in s. 403.707(9)(j), yard trash and unpainted, nontreated wood scraps from sources other than construction or demolition projects.

(c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities.

(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

(7) "County," or any like term, means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution and, when s. 403.706(19) applies, means a special district or other entity.

(8) "Department" means the Department of Environmental Protection or any successor agency performing a like function.

(9) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

(10) "Generation" means the act or process of producing solid or hazardous waste.

(11) "Guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this part.

(12) "Hazardous substance" means any substance that is defined as a hazardous substance in the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 Stat. 2767.

(13) "Hazardous waste" means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(14) "Hazardous waste facility" means any building, site, structure, or equipment at or by which hazardous waste is disposed of, stored, or treated.

(15) "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, recycling, and disposal of hazardous wastes.

(16) "Land disposal" means any placement of hazardous waste in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt bed formation, salt dome formation, or underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

(17) "Landfill" means any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 and which receives solid waste for disposal in or upon land. The term does not include a landspreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

(18) "Manifest" means the recordkeeping system used for identifying the concentration, quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, storage, or treatment.

(19) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(20) "Municipality," or any like term, means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution and, when s. 403.706(19) applies, means a special district or other entity.

(21) "Operation," with respect to any solid waste management facility, means the disposal, storage, or processing of solid waste at and by the facility.

(22) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(23) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

(24) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

(25) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of s. 403.7045(1)(e).

(26) "Recyclable material" means those materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.

(27) "Recycling" means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(28) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

(29) "Resource recovery equipment" means equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste.

(30) "Sludge" includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water-supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

(31) "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish,

refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (24) are not solid waste.

(32) "Solid waste disposal facility" means any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

(33) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program, which includes closure.

(34) "Solid waste management facility" means any solid waste disposal area, volume-reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities that meet the requirements of s. 403.7046, except the portion of such facilities, if any, which is used for the management of solid waste.

(35) "Source separated" means that the recovered materials are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other, and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source-separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and when such materials contain more than 10 percent solid waste by volume or weight. For purposes of this subsection, the term "various types of recovered materials" means metals, paper, glass, plastic, textiles, and rubber.

(36) "Special wastes" means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes.

(37) "Storage" means the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

(38) "Transfer station" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

(39) "Transport" means the movement of hazardous waste from the point of generation or point of entry into the state to any offsite intermediate points and to the point of offsite ultimate disposal, storage, treatment, or exit from the state.

(40) "Treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, which is designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing that is designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(41) "Volume reduction plant" includes incinerators, pulverizers, compactors, shredding and baling plants, composting plants, and other plants that accept and process solid waste for recycling or disposal.

(42) "White goods" includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(43) "Yard trash" means vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils.

Section 18. Subsection (69) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(69) HAZARDOUS MATERIAL.--Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703(13) ~~s. 403.703(21)~~.

Section 19. Paragraph (f) of subsection (2) of section 377.709, Florida Statutes, is amended to read:

377.709 Funding by electric utilities of local governmental solid waste facilities that generate electricity.--

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

(f) "Solid waste facility" means a facility owned or operated by, or on behalf of, a local government for the purpose of disposing of solid waste, as that term is defined in s. 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat and incorporates, as a part of the facility, the means of converting heat to electrical energy in amounts greater than actually required for the operation of the facility.

Section 20. Subsection (1) of section 487.048, Florida Statutes, is amended to read:

487.048 Dealer's license; records.--

(1) Each person holding or offering for sale, selling, or distributing restricted-use pesticides shall obtain a dealer's license from the department. Application for the license shall be made on a form prescribed by the department. The license must be obtained before entering into business or transferring ownership of a business. The department may require examination or other proof of competency of individuals to whom licenses are issued or of individuals employed by persons to whom licenses are issued. Demonstration of continued competency may be required for license renewal, as set by rule. The license shall be renewed annually as provided by rule. An annual license fee not exceeding $250 shall be established by rule. However, a user of a restricted-use pesticide may distribute unopened containers of a properly labeled pesticide to another user who is legally entitled to use that restricted-use pesticide without obtaining a pesticide dealer's license. The exclusive purpose of distribution of the restricted-use pesticide is to keep it from becoming a hazardous waste as defined in s. 403.703(13) ~~s. 403.703(21)~~.

Section 21. Section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.--The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(1) Develop and implement, in consultation with local governments, a state solid waste management program, as defined in s. 403.705~~, and update the program at least every 3 years~~. ~~In developing rules to implement the state solid waste management program, the department shall hold public hearings around the state and shall give notice of such public hearings to all local governments and regional planning agencies.~~

(2) Provide technical assistance to counties, municipalities, and other persons, and cooperate with appropriate federal agencies and private organizations in carrying out the provisions of this act.

(3) Promote the planning and application of recycling and resource recovery systems which preserve and enhance the quality of the air, water, and other natural resources of the state and assist in and encourage, where appropriate, the development of regional solid waste management facilities.

(4) Serve as the official state representative for all purposes of the federal Solid Waste Disposal Act, as amended by Pub. L. No. 91-512, or as subsequently amended.

(5) Use private industry or the State University System through contractual arrangements for implementation of some or all of the requirements of the state solid waste management program and for such other activities as may be considered necessary, desirable, or convenient.

(6) Encourage recycling and resource recovery as a source of energy and materials.

(7) Assist in and encourage, as much as possible, the development within the state of industries and commercial enterprises which are based upon resource recovery, recycling, and reuse of solid waste.

~~(8) Charge reasonable fees for any services it performs pursuant to this act, provided user fees shall apply uniformly within each municipality or county to all users who are provided with solid waste management services.~~

~~(9) Acquire, at its discretion, personal or real property or any interest therein by gift, lease, or purchase for the purpose of providing sites for solid waste management facilities.~~

~~(10) Acquire, construct, reconstruct, improve, maintain, equip, furnish, and operate, at its discretion, such solid waste management facilities as are called for by the state solid waste management program.~~

~~(11) Receive funds or revenues from the sale of products, materials, fuels, or energy in any form derived from processing of solid waste by state-owned or state-operated facilities, which funds or revenues shall be deposited into the Solid Waste Management Trust Fund.~~

(8)~~(12)~~ Determine by rule the facilities, equipment, personnel, and number of monitoring wells to be provided at each ~~Class I~~ solid waste disposal area.

~~(13) Encourage, but not require, as part of a Class II solid waste disposal area, a potable water supply; an employee shelter; handwashing and toilet facilities; equipment washout facilities; electric service for operations and repairs; equipment shelter for maintenance and storage of parts, equipment, and tools; scales for weighing solid waste received at the disposal area; a trained equipment operator in full-time attendance during operating hours; and communication facilities for use in emergencies. The department may require an attendant at a Class II solid waste disposal area during the hours of operation if the department affirmatively demonstrates that such a requirement is necessary to prevent unlawful fires, unauthorized dumping, or littering of nearby property.~~

~~(14) Require a Class II solid waste disposal area to have at least one monitoring well which shall be placed adjacent to the site in the direction of groundwater flow unless otherwise exempted by the department. The department may require additional monitoring wells not farther than 1 mile from the site if it is affirmatively demonstrated by the department that a significant change in the initial quality of the water has occurred in the downstream monitoring well which adversely affects the beneficial uses of the water. These wells may be public or private water supply wells if they are suitable for use in determining background water quality levels.~~

(9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state, whether such solid waste is generated within this state or outside this state as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable provisions of law. When classifying solid waste management facilities, the department shall consider the hydrogeology of the site for the facility, the types of wastes to be handled by the facility, and methods used to control the types of waste to be handled by the facility and shall seek to minimize the adverse effects of solid waste management on the environment. Whenever the department adopts any rule stricter or more stringent than one which has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed. The department shall not, however, adopt hazardous waste rules for solid waste for which special studies were required prior to October 1, 1988, under s. 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

(10)~~(16)~~ Issue or modify permits on such conditions as are necessary to effect the intent and purposes of this act, and may deny or revoke permits.

~~(17) Conduct research, using the State University System, solid waste professionals from local governments, private enterprise, and other organizations, on alternative, economically feasible, cost-effective, and environmentally safe solid waste management and landfill closure methods which protect the health, safety, and welfare of the public and the environment and which may assist in developing markets and provide economic benefits to local governments, the state, and its citizens, and solicit public participation during the research process. The department shall incorporate such cost-effective landfill closure methods in the appropriate department rule as alternative closure requirements.~~

(11)~~(18)~~ Develop and implement or contract for services to develop information on recovered materials markets and strategies for market development and expansion for use of these materials. Additionally, the department shall maintain a directory of recycling businesses operating in the state and shall serve as a coordinator to match recovered materials with markets. Such directory shall be made available to the public and to local governments to assist with their solid waste management activities.

~~(19) Authorize variances from solid waste closure rules adopted pursuant to this part, provided such variances are applied for and approved in accordance with s. 403.201 and will not result in significant threats to human health or the environment.~~

(12)~~(20)~~ Establish accounts and deposit to the Solid Waste Management Trust Fund and control and administer moneys it may withdraw from the fund.

(13)~~(21)~~ Manage a program of grants, using funds from the Solid Waste Management Trust Fund and funds provided by the Legislature for solid waste management, for programs for recycling, composting, litter control, and special waste management and for programs which provide for the safe and proper management of solid waste.

(14)~~(22)~~ Budget and receive appropriated funds and accept, receive, and administer grants or other funds or gifts from public or private agencies, including the state and the Federal Government, for the purpose of carrying out the provisions of this act.

(15)~~(23)~~ Delegate its powers, enter into contracts, or take such other actions as may be necessary to implement this act.

(16)~~(24)~~ Receive and administer funds appropriated for county hazardous waste management assessments.

(17)~~(25)~~ Provide technical assistance to local governments and regional agencies to ensure consistency between county hazardous waste management assessments; coordinate the development of such assessments with the assistance of the appropriate regional planning councils; and review and make recommendations to the Legislature relative to the sufficiency of the assessments to meet state hazardous waste management needs.

(18)~~(26)~~ Increase public education and public awareness of solid and hazardous waste issues by developing and promoting statewide programs of litter control, recycling, volume reduction, and proper methods of solid waste and hazardous waste management.

(19)~~(27)~~ Assist the hazardous waste storage, treatment, or disposal industry by providing to the industry any data produced on the types and quantities of hazardous waste generated.

(20)~~(28)~~ Institute a hazardous waste emergency response program which would include emergency telecommunication capabilities and coordination with appropriate agencies.

(21)~~(29)~~ Promulgate rules necessary to accept delegation of the hazardous waste management program from the Environmental Protection Agency under the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

(22)~~(30)~~ Adopt rules, if necessary, to address the incineration and disposal of biomedical waste and the management of biological waste within the state, whether such waste is generated within this state or outside this state, as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable provisions of law.

Section 22. Section 403.7043, Florida Statutes, is amended to read:

403.7043 Compost standards and applications.--

(1) In order to protect the state's land and water resources, compost produced, utilized, or disposed of by the composting process at solid waste management facilities in the state must meet criteria established by the department.

(2) The department shall ~~Within 6 months after October 1, 1988, the department shall initiate rulemaking to~~ establish and maintain rules addressing standards for the production of compost ~~and shall complete and promulgate those rules within 12 months after initiating the process of rulemaking~~, including rules establishing:

(a) Requirements necessary to produce hygienically safe compost products for varying applications.

(b) A classification scheme for compost based on~~:~~ the types of waste composted, ~~including at least one type containing only yard trash;~~ the maturity of the compost, ~~including at least three degrees of decomposition for fresh, semimature, and mature;~~ and the levels of organic and inorganic constituents in the compost. This scheme shall address:

1. Methods for measurement of the compost maturity.

2. Particle sizes.

3. Moisture content.

4. Average levels of organic and inorganic constituents, including heavy metals, for such classes of compost as the department establishes, and the analytical methods to determine those levels.

~~(3) Within 6 months after October 1, 1988, the department shall initiate rulemaking to prescribe the allowable uses and application rates of compost and shall complete and promulgate those rules within 12 months after initiating the process of rulemaking, based on the following criteria:~~

~~(a) The total quantity of organic and inorganic constituents, including heavy metals, allowed to be applied through the addition of compost to the soil per acre per year.~~

~~(b) The allowable uses of compost based on maturity and type of compost.~~

~~(4) If compost is produced which does not meet the criteria prescribed by the department for agricultural and other use, the compost must be reprocessed or disposed of in a manner approved by the department, unless a different application is specifically permitted by the department.~~

~~(5) The provisions of s. 403.706 shall not prohibit any county or municipality which has in place a memorandum of understanding or other written agreement as of October 1, 1988, from proceeding with plans to build a compost facility.~~

Section 23. Subsections (1), (2), and (3) of section 403.7045, Florida Statutes, are amended to read:

403.7045 Application of act and integration with other acts.--

(1) The following wastes or activities shall not be regulated pursuant to this act:

(a) Byproduct material, source material, and special nuclear material, the generation, transportation, disposal, storage, or treatment of which is regulated under chapter 404 or under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923, as amended;

(b) Suspended solids and dissolved materials in domestic sewage effluent or irrigation return flows or other discharges which are point sources subject to permits pursuant to provisions of this chapter or pursuant to s. 402 of the Clean Water Act, Pub. L. No. 95-217;

(c) Emissions to the air from a stationary installation or source regulated under provisions of this chapter or under the Clean Air Act, Pub. L. No. 95-95;

(d) Drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas which are regulated under chapter 377; or

(e) Recovered materials or recovered materials processing facilities shall not be regulated pursuant to this act, except as provided in s. 403.7046, if:

1. A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within 1 year.

2. The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria is caused.

3. The recovered materials handled by the facility are not hazardous wastes as defined under s. 403.703, and rules promulgated pursuant thereto.

4. The facility is registered as required in s. 403.7046.

(f) Industrial byproducts, if:

1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within 1 year.

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria or a significant threat to public health is caused.

3. The industrial byproducts are not hazardous wastes as defined under s. 403.703 and rules adopted under this section.

(2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~, the following wastes shall not be regulated as a hazardous waste pursuant to this act, except when determined by the United States Environmental Protection Agency to be a hazardous waste:

(a) Ashes and scrubber sludges generated from the burning of boiler fuel for generation of electricity or steam.

(b) Agricultural and silvicultural byproduct material and agricultural and silvicultural process waste from normal farming or processing.

(c) Discarded material generated by the mining and beneficiation and chemical or thermal processing of phosphate rock, and precipitates resulting from neutralization of phosphate chemical plant process and nonprocess waters.

(3) The following wastes or activities shall be regulated pursuant to this act in the following manner:

(a) Dredged material that is generated as part of a project permitted under part IV of chapter 373 or chapter 161, or that is authorized to be removed from sovereign submerged lands under chapter 253, ~~Dredge spoil or fill material~~ shall be managed in accordance with the conditions of that permit or authorization unless the dredged material is regulated as hazardous waste pursuant to this part ~~disposed of pursuant to a dredge and fill permit, but whenever hazardous components are disposed of within the dredge or fill material, the dredge and fill permits shall specify the specific hazardous wastes contained and the concentration of each such waste~~. If the dredged material contains hazardous substances, the department may further ~~then~~ limit or restrict the sale or use of the dredged ~~dredge and fill~~ material and may specify such other conditions relative to this material as are reasonably necessary to protect the public from the potential hazards.

(b) Hazardous wastes that ~~which~~ are contained in artificial recharge waters or other waters intentionally introduced into any underground formation and that ~~which~~ are permitted pursuant to s. 373.106 shall also be handled in compliance with the requirements and standards for disposal, storage, and treatment of hazardous waste under this act.

(c) Solid waste or hazardous waste facilities that ~~which~~ are operated as a part of the normal operation of a power generating facility and which are licensed by certification pursuant to the Florida Electrical Power Plant Siting Act, ss. 403.501-403.518, shall undergo such certification subject to the substantive provisions of this act.

(d) Biomedical waste and biological waste shall be disposed of only as authorized by the department. However, any person who unknowingly disposes into a sanitary landfill or waste-to-energy facility any such waste that ~~which~~ has not been properly segregated or separated from other solid wastes by the generating facility is not guilty of a violation under this act. ~~Nothing in~~ This paragraph does not ~~shall be construed to~~ prohibit the department from seeking injunctive relief pursuant to s. 403.131 to prohibit the unauthorized disposal of biomedical waste or biological waste.

Section 24. Section 403.707, Florida Statutes, is amended to read:

403.707 Permits.--

(1) A ~~No~~ solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the department. The department may by rule exempt specified types of facilities from the requirement for a permit if it determines that construction for operation of the facility is not expected to create any significant threat to the environment or public health. For purposes of this part, and only when specified by department rule, a permit may include registrations as well as other forms of licenses as defined in s. 120.52. Solid waste construction permits issued under this section may include any permit conditions necessary to achieve compliance with the recycling requirements of this act. The department shall pursue reasonable timeframes for closure and construction requirements, considering pending federal requirements and implementation costs to the permittee. The department shall adopt a rule establishing performance standards for construction and closure of solid waste management facilities. The standards shall allow flexibility in design and consideration for site-specific characteristics.

(2) Except as provided in s. 403.722(6), no permit under this section is required for the following, provided that the activity shall not create a public nuisance or any condition adversely affecting the environment or public health

and shall not violate other state or local laws, ordinances, rules, regulations, or orders:

(a) Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either ordinary household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter that ~~which~~ normally result from land development operations. Disposal of materials that ~~which~~ could create a public nuisance or adversely affect the environment or public health, such as: white goods; automotive materials, such as batteries and tires; petroleum products; pesticides; solvents; or hazardous substances, is not covered under this exemption.

(b) Storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, or property subject to a homeowners or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

(c) Disposal by persons of solid waste resulting from their own activities on their property, provided the environmental effects of such disposal on groundwater and surface waters are:

1. Addressed or authorized by a site certification order issued under part II or a permit issued by the department pursuant to this chapter or rules adopted pursuant thereto; or

2. Addressed or authorized by, or exempted from the requirement to obtain, a groundwater monitoring plan approved by the department.

(d) Disposal by persons of solid waste resulting from their own activities on their own property, provided that such disposal occurred prior to October 1, 1988.

(e) Disposal of solid waste resulting from normal farming operations as defined by department rule. Polyethylene agricultural plastic, damaged, nonsalvageable, untreated wood pallets, and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be disposed of by open burning, provided that no public nuisance or any condition adversely affecting the environment or the public health is created thereby and that state or federal ambient air quality standards are not violated.

(f) The use of clean debris as fill material in any area. However, this paragraph does not exempt any person from obtaining any other required permits, nor does it affect a person's responsibility to dispose of clean debris appropriately if it is not to be used as fill material.

(g) Compost operations that produce less than 50 cubic yards of compost per year when the compost produced is used on the property where the compost operation is located.

(3) All applicable provisions of ss. 403.087 and 403.088, relating to permits, apply to the control of solid waste management facilities.

(4) When application for a construction permit for a Class I ~~or Class II~~ solid waste disposal area is made, it is the duty of the department to provide a copy of the application, within 7 days after filing, to the water management district having jurisdiction where the area is to be located. The water management district may prepare an advisory report as to the impact on water resources. This report shall contain the district's recommendations as to the disposition of the application and shall be submitted to the department no later than 30 days prior to the deadline for final agency action by the department. However, the failure of the department or the water management district to comply with the provisions of this subsection shall not be the basis for the denial, revocation, or remand of any permit or order issued by the department.

(5) The department may not issue a construction permit pursuant to this part for a new solid waste landfill within 3,000 feet of Class I surface waters.

(6) The department may issue a construction permit pursuant to this part only to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel. Such facility must if necessary:

(a) Use natural or artificial barriers which are capable of controlling lateral or vertical movement of wastes or waste constituents into surface or ground waters.

(b) Have a foundation or base that is capable of providing support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.

(c) Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.

Open fires, air-curtain incinerators, or trench burning may not be used as a means of disposal at a solid waste management facility, unless permitted by the department under s. 403.087.

(7) Prior to application for a construction permit, an applicant shall designate to the department temporary backup disposal areas or processes for the resource recovery facility. Failure to designate temporary backup disposal areas or processes shall result in a denial of the construction permit.

(8) The department may refuse to issue a permit to an applicant who by past conduct in this state has repeatedly violated pertinent statutes, rules, or orders or permit terms or conditions relating to any solid waste management facility and who is deemed to be irresponsible as defined by department rule. For the purposes of this subsection, an applicant includes the owner or operator of the facility, or if the owner or operator is a business entity, a parent of a subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than 50 percent of the stock of the corporation.

~~(9) Before or on the same day of filing with the department of an application for any construction permit for the incineration of biomedical waste which the department may require by rule, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice shall contain:~~

~~(a) The name of the applicant and a brief description of the facility and its location.~~

~~(b) The location of the application file and when it is available for public inspection.~~

~~The notice shall be prepared by the applicant and shall comply with the following format:~~

~~Notice of Application~~

~~The Department of Environmental Protection announces receipt of an application for a permit from (name of applicant) to (brief description of project). This proposed project will be located at (location) in (county) (city).~~

~~This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at (name and address of office).~~

~~(10) A permit, which the department may require by rule, for the incineration of biomedical waste, may not be transferred by the permittee to any other entity, except in conformity with the requirements of this subsection.~~

~~(a) Within 30 days after the sale or legal transfer of a permitted facility, the permittee shall file with the department an application for transfer of the permits on such form as the department shall establish by rule. The form must be completed with the notarized signatures of both the transferring permittee and the proposed permittee.~~

~~(b) The department shall approve the transfer of a permit unless it determines that the proposed permittee has not provided reasonable assurances that the proposed permittee has the administrative, technical, and financial capability to properly satisfy the requirements and conditions of the~~

~~permit, as determined by department rule. The determination shall be limited solely to the ability of the proposed permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions. If the department proposes to deny the transfer, it shall provide both the transferring permittee and the proposed permittee a written objection to such transfer together with notice of a right to request a proceeding on such determination under chapter 120.~~

~~(c) Within 90 days after receiving a properly completed application for transfer of a permit, the department shall issue a final determination. The department may toll the time for making a determination on the transfer by notifying both the transferring permittee and the proposed permittee that additional information is required to adequately review the transfer request. Such notification shall be provided within 30 days after receipt of an application for transfer of the permit, completed pursuant to paragraph (a). If the department fails to take action to approve or deny the transfer within 90 days after receipt of the completed application or within 90 days after receipt of the last item of timely requested additional information, the transfer shall be deemed approved.~~

~~(d) The transferring permittee is encouraged to apply for a permit transfer well in advance of the sale or legal transfer of a permitted facility. However, the transfer of the permit shall not be effective prior to the sale or legal transfer of the facility.~~

~~(e) Until the transfer of the permit is approved by the department, the transferring permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. Nothing in this section shall relieve the transferring permittee of liability for corrective actions that may be required as a result of any violations occurring prior to the legal transfer of the permit.~~

~~(11) The department shall review all permit applications for any designated Class I solid waste disposal facility. As used in this subsection, the term "designated Class I solid waste disposal facility" means any facility that is, as of May 12, 1993, a solid waste disposal facility classified as an active Class I landfill by the department, that is located in whole or in part within 1,000 feet of the boundary of any municipality, but that is not located within any county with an approved charter or consolidated municipal government, is not located within any municipality, and is not operated by a municipality. The department shall not permit vertical expansion or horizontal expansion of any designated Class I solid waste disposal facility unless the application for such permit was filed before January 1, 1993, and no solid waste management facility may be operated which is a vertical expansion or horizontal expansion of a designated Class I solid waste disposal facility. As used in this subsection, the term "vertical expansion" means any activity that will result in an increase in the height of a designated Class I solid waste disposal facility above 100 feet National Geodetic Vertical Datum, except solely for closure, and the term "horizontal expansion" means any activity that will result in an increase in the ground area covered by a designated Class I solid waste disposal facility, or if within 1 mile of a designated Class I solid waste disposal facility, any new or expanded operation of any solid waste disposal facility or area, or of incineration of solid waste, or of storage of solid waste for more than 1 year, or of composting of solid waste other than yard trash.~~

(9)~~(12)~~ The department shall establish a separate category for solid waste management facilities which accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that ~~which~~ receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems. Facilities accepting materials defined in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ must implement a groundwater monitoring system adequate to detect contaminants that may reasonably be expected to result from such disposal prior to the acceptance of those materials.

(a) The department shall establish reasonable construction, operation, monitoring, recordkeeping, financial assurance, and closure requirements for such facilities. The department shall take into account the nature of the waste accepted at various facilities when establishing these requirements, and may impose less stringent requirements, including a system of general permits or registration requirements, for facilities that accept only a segregated waste stream which is expected to pose a minimal risk to the environment and public health, such as clean debris. The Legislature recognizes that incidental amounts of other types of solid waste are commonly generated at construction or demolition projects. In any enforcement action taken pursuant to this section, the department shall consider the difficulty of removing these incidental amounts from the waste stream.

(b) The department shall not require liners and leachate collection systems at individual facilities unless it demonstrates, based upon the types of waste received, the methods for controlling types of waste disposed of, the proximity of groundwater and surface water, and the results of the hydrogeological and geotechnical investigations, that the facility is reasonably expected to result in violations of groundwater standards and criteria otherwise.

(c) The owner or operator shall provide financial assurance for closing of the facility in accordance with the requirements of s. 403.7125. The financial assurance shall cover the cost of closing the facility and 5 years of long-term care after closing, unless the department determines, based upon hydrogeologic conditions, the types of wastes received, or the groundwater monitoring results, that a different long-term care period is appropriate. However, unless the owner or operator of the facility is a local government, the escrow account described in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial assurance mechanism.

(d) The department shall establish training requirements for operators of facilities, and shall work with the State University System or other providers to assure that adequate training courses are available. The department shall also assist the Florida Home Builders Association in establishing a component of its continuing education program to address proper handling of construction and demolition debris, including best management practices for reducing contamination of the construction and demolition debris waste stream.

(e) The issuance of a permit under this subsection does not obviate the need to comply with all applicable zoning and land use regulations.

(f) A permit is not required under this section for the disposal of construction and demolition debris on the property where it is generated, but such property must be covered, graded, and vegetated as necessary when disposal is complete.

(g) It is the policy of the Legislature to encourage facilities to recycle. The department shall establish criteria and guidelines that encourage recycling where practical and provide for the use of recycled materials in a manner that protects the public health and the environment. Facilities are authorized to recycle, provided such activities do not conflict with such criteria and guidelines.

(h) The department shall ensure that the requirements of this section are applied and interpreted consistently throughout the state. In accordance with s. 20.255, the Division of Waste Management shall direct the district offices and bureaus on matters relating to the interpretation and applicability of this section.

(i) The department shall provide notice of receipt of a permit application for the initial construction of a construction and demolition debris disposal facility to the local governments having jurisdiction where the facility is to be located.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a hearing prior to December 31, 2006 ~~1996~~, that some or all of the wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction of such county. The county may make such a determination only if it finds that, prior to June 1, 2006 ~~1996~~, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2006 ~~1996~~. The county shall not be required to hold a hearing if the county represents that it previously has held a hearing for such purpose, nor shall the county be required to hold a hearing if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and if the county

further represents that such materials include those materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide written notice of its determination to the department by no later than December 31, 2006 ~~1996~~; thereafter, the wood materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

(k) Brazilian pepper and other invasive exotic plant species as designated by the department resulting from eradication projects may be processed at permitted construction and demolition debris recycling facilities or disposed of at permitted construction and demolition debris disposal facilities or Class III facilities. The department may adopt rules to implement this paragraph.

(10)~~(13)~~ If the department and a local government independently require financial assurance for the closure of a privately owned solid waste management facility, the department and that local government shall enter into an interagency agreement that will allow the owner or operator to provide a single financial mechanism to cover the costs of closure ~~and any required long-term care~~. The financial mechanism may provide for the department and local government to be cobeneficiaries or copayees, but shall not impose duplicative financial requirements on the owner or operator. These closure costs must include at least the minimum required by department rules and must also include any additional costs required by local ordinance or regulation.

(11)~~(14)~~ Before or on the same day of filing with the department of an application for a permit to construct or substantially modify a solid waste management facility, the applicant shall notify the local government having jurisdiction over the facility of the filing of the application. The applicant also shall publish notice of the filing of the application in a newspaper of general circulation in the area where the facility will be located. Notice shall be given and published in accordance with applicable department rules. The department shall not issue the requested permit until the applicant has provided the department with proof that the notices required by this subsection have been given. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other law, rules, or ordinances.

(12)~~(15)~~ Construction and demolition debris must be separated from the solid waste stream and segregated in separate locations at a solid waste disposal facility or other permitted site.

(13)~~(16)~~ No facility, solely by virtue of the fact that it uses processed yard trash or clean wood or paper waste as a fuel source, shall be considered to be a solid waste disposal facility.

Section 25. Section 403.7071, Florida Statutes, is created to read:

403.7071 Management of storm-generated debris.--Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(1) The Department of Environmental Protection may issue field authorizations for staging areas in those counties affected by a storm event. Such staging areas may be used for the temporary storage and management of storm-generated debris, including the chipping, grinding, or burning of vegetative debris. Field authorizations may be requested by providing a notice to the local office of the department containing a description of the design and operation of the staging area; the location of the staging area; and the name, address, and telephone number of the site manager. Field authorizations also may be issued by the department staff without prior notice. Written records of all field authorizations shall be created and maintained by department staff. Field authorizations may include specific conditions for the operation and closure of the staging area and shall include a required closure date. A local government shall avoid locating a staging area in wetlands and other surface waters to the greatest extent possible, and the area that is used or affected by a staging area must be fully restored upon cessation of use of the area.

(2) Storm-generated vegetative debris managed at a staging area may be disposed of in a permitted lined or unlined landfill, a permitted land clearing debris facility, or a permitted construction and demolition debris disposal facility. Vegetative debris may also be managed at a permitted waste processing facility or a registered yard trash processing facility.

(3) Construction and demolition debris that is mixed with other storm-generated debris need not be segregated from other solid waste prior to disposal in a lined landfill. Construction and demolition debris that is source-separated or is separated from other hurricane-generated debris at an authorized staging area, or at another area specifically authorized by the department, may be managed at a permitted construction and demolition debris disposal or recycling facility upon approval by the department of the methods and operational practices used to inspect the waste during segregation.

(4) Unsalvageable refrigerators and freezers containing solid waste, such as rotting food, which may create a sanitary nuisance may be disposed of in a permitted lined landfill; however, chlorofluorocarbons and capacitors must be removed and recycled to the greatest extent practicable using techniques and personnel meeting relevant federal requirements.

(5) Local governments may conduct the burning of storm-generated yard trash and other vegetative debris in air-curtain incinerators without prior notice to the department. Demolition debris may also be burned in air-curtain incinerators if the material is limited to untreated wood. Within 10 days after commencing such burning, the local government shall notify the department in writing describing the general nature of the materials burned; the location and method of burning; and the name, address, and telephone number of the representative of the local government to contact concerning the work. The operator of the air-curtain incinerator is subject to any requirement to obtain an open-burning authorization from the Division of Forestry or any other agency empowered to grant such authorization.

Section 26. Section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.--

(1) No person shall:

(a) Place or deposit any solid waste in or on the land or waters located within the state except in a manner approved by the department and consistent with applicable approved programs of counties or municipalities. However, nothing in this act shall be construed to prohibit the disposal of solid waste without a permit as provided in s. 403.707(2).

(b) Burn solid waste except in a manner prescribed by the department and consistent with applicable approved programs of counties or municipalities.

(c) Construct, alter, modify, or operate a solid waste management facility or site without first having obtained from the department any permit required by s. 403.707.

(2) No beverage shall be sold or offered for sale within the state in a beverage container designed and constructed so that the container is opened by detaching a metal ring or tab.

(3) For purposes of subsections (2), (9), and (10):

~~(a) "Degradable," with respect to any material, means that such material, after being discarded, is capable of decomposing to components other than heavy metals or other toxic substances, after exposure to bacteria, light, or outdoor elements.~~

(a)~~(b)~~ "Beverage" means soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drinks; soft drinks, whether or not carbonated; beer, ale, or other malt drink of whatever alcoholic content; or a mixed wine drink or a mixed spirit drink.

(b)~~(c)~~ "Beverage container" means an airtight container which at the time of sale contains 1 gallon or less of a beverage, or the metric equivalent of 1 gallon or less, and which is composed of metal, plastic, or glass or a combination thereof.

(4) The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may impose a fine of not more than $100 on any person currently licensed pursuant to s. 561.14 for each violation of the provisions of subsection (2). If the violation is of a continuing nature, each day during which such violation occurs shall constitute a separate and distinct offense and shall be subject to a separate fine.

(5) The Department of Agriculture and Consumer Services may impose a fine of not more than $100 on any person not currently licensed pursuant to s. 561.14 for each violation of the provisions of subsection (2). If the violation is of a continuing nature, each day during which such violation occurs shall constitute a separate and distinct offense and shall be subject to a separate fine.

(6) Fifty percent of each fine collected pursuant to subsections (4) and (5) shall be deposited into the Solid Waste Management Trust Fund. The balance

of fines collected pursuant to subsection (4) shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund for the use of the division for inspection and enforcement of the provisions of this section. The balance of fines collected pursuant to subsection (5) shall be deposited into the General Inspection Trust Fund for the use of the Department of Agriculture and Consumer Services for inspection and enforcement of the provisions of this section.

(7) The Division of Alcoholic Beverages and Tobacco and the Department of Agriculture and Consumer Services shall coordinate their responsibilities under the provisions of this section to ensure that inspections and enforcement are accomplished in an efficient, cost-effective manner.

(8) A person may not distribute, sell, or expose for sale in this state any plastic bottle or rigid container intended for single use unless such container has a molded label indicating the plastic resin used to produce the plastic container. The label must appear on or near the bottom of the plastic container product and be clearly visible. This label must consist of a number placed inside a triangle and letters placed below the triangle. The triangle must be equilateral and must be formed by three arrows, and, in the middle of each arrow, there must be a rounded bend that forms one apex of the triangle. The pointer, or arrowhead, of each arrow must be at the midpoint of a side of the triangle, and a short gap must separate each pointer from the base of the adjacent arrow. The three curved arrows that form the triangle must depict a clockwise path around the code number. Plastic bottles of less than 16 ounces, rigid plastic containers of less than 8 ounces, and plastic casings on lead-acid storage batteries are not required to be labeled under this section. The numbers and letters must be as follows:

(a) For polyethylene terephthalate, the letters "PETE" and the number 1.

(b) For high-density polyethylene, the letters "HDPE" and the number 2.

(c) For vinyl, the letter "V" and the number 3.

(d) For low-density polyethylene, the letters "LDPE" and the number 4.

(e) For polypropylene, the letters "PP" and the number 5.

(f) For polystyrene, the letters "PS" and the number 6.

(g) For any other, the letters "OTHER" and the number 7.

(9) No person shall distribute, sell, or expose for sale in this state any product packaged in a container or packing material manufactured with fully halogenated chlorofluorocarbons (CFC). Producers of containers or packing material manufactured with chlorofluorocarbons (CFC) are urged to introduce alternative packaging materials which are environmentally compatible.

(10) The packaging of products manufactured or sold in the state may not be controlled by governmental rule, regulation, or ordinance adopted after March 1, 1974, other than as expressly provided in this act.

(11) Violations of this part or rules, regulations, permits, or orders issued thereunder by the department and violations of approved local programs of counties or municipalities or rules, regulations, or orders issued thereunder shall be punishable by a civil penalty as provided in s. 403.141.

(12) The department or any county or municipality may also seek to enjoin the violation of, or enforce compliance with, this part or any program adopted hereunder as provided in s. 403.131.

(13) In accordance with the following schedule, no person who knows or who should know of the nature of such solid waste shall dispose of such solid waste in landfills:

(a) Lead-acid batteries~~, after January 1, 1989~~. Lead-acid batteries also may ~~shall~~ not be disposed of in any waste-to-energy facility ~~after January 1, 1989~~. To encourage proper collection and recycling, all persons who sell lead-acid batteries at retail shall accept used lead-acid batteries as trade-ins for new lead-acid batteries.

(b) Used oil~~, after October 1, 1988~~.

(c) Yard trash~~, after January 1, 1992,~~ except in lined ~~unlined~~ landfills classified by department rule as Class I landfills. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities. The department recognizes that incidental amounts of yard trash may be disposed of in Class I ~~lined~~ landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

(d) White goods~~, after January 1, 1990~~.

~~Prior to the effective dates specified in paragraphs (a)-(d), the department shall identify and assist in developing alternative disposal, processing, or recycling options for the solid wastes identified in paragraphs (a)-(d).~~

Section 27. Section 403.709, Florida Statutes, is amended to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.--There is created the Solid Waste Management Trust Fund, to be administered by the department.

(1) ~~From~~ The annual revenues deposited in the trust fund, unless otherwise specified in the General Appropriations Act, shall be used for the following purposes:

(a)~~(1)~~ ~~Up to 40 percent shall be used for~~ Funding solid waste activities of the department and other state agencies, such as providing technical assistance to local governments and the private sector, performing solid waste regulatory and enforcement functions, preparing solid waste documents, and implementing solid waste education programs.

(b)~~(2)~~ ~~Up to 4.5 percent shall be used for~~ Funding research and training programs relating to solid waste management through the Center for Solid and Hazardous Waste Management and other organizations which can reasonably demonstrate the capability to carry out such projects.

(c)~~(3)~~ ~~Up to 11 percent shall be used for~~ Funding to supplement any other funds provided to the Department of Agriculture and Consumer Services for mosquito control. This distribution shall be annually transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to be used for mosquito control, especially control of West Nile Virus.

(d)~~(4)~~ ~~Up to 4.5 percent shall be used for~~ Funding to the Department of Transportation for litter prevention and control programs ~~coordinated by Keep Florida Beautiful, Inc~~.

(e)~~(5)~~ ~~A minimum of 40 percent shall be used for~~ Funding a competitive and innovative grant program pursuant to s. 403.7095 for activities relating to recycling and reducing the volume of municipal solid waste, including waste tires requiring final disposal.

(2)~~(6)~~ The department shall recover to the use of the fund from the site owner or the person responsible for the accumulation of tires at the site, jointly and severally, all sums expended from the fund pursuant to this section to manage tires at an illegal waste tire site, except that the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. If a court determines that the owner is unable or unwilling to comply with the rules adopted pursuant to this section or s. 403.717, the court may authorize the department to take possession and control of the waste tire site in order to protect the health, safety, and welfare of the community and the environment.

(3)~~(7)~~ The department may impose a lien on the real property on which the waste tire site is located and the waste tires equal to the estimated cost to bring the tire site into compliance, including attorney's fees and court costs. Any owner whose property has such a lien imposed may release her or his property from any lien claimed under this subsection by filing with the clerk of the circuit court a cash or surety bond, payable to the department in the amount of the estimated cost of bringing the tire site into compliance with department rules, including attorney's fees and court costs, or the value of the property after the abatement action is complete, whichever is less. No lien provided by this subsection shall continue for a period longer than 4 years after the completion of the abatement action unless within that time an action to enforce the lien is commenced in a court of competent jurisdiction. The department may take action to enforce the lien in the same manner used for construction liens under part I of chapter 713.

(4)~~(8)~~ This section does not limit the use of other remedies available to the department.

Section 28. Subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.--

(5) From the funds made available pursuant to s. 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by this section, the following distributions shall be made:

(a) Up to 15 percent for the program described in subsection (1);

(b) Up to 35 percent for the program described in subsection (3); and

(c) Up to 50 percent for the program described in subsection (4).

Section 29. Section 403.7125, Florida Statutes, is amended to read:

403.7125 Financial assurance for closure ~~Landfill management escrow account~~.--

~~(1) As used in this section:~~

~~(a) "Landfill" means any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 that receives solid waste for disposal in or upon land other than a land spreading site, injection well, or a surface impoundment.~~

~~(b) "Closure" means the ceasing operation of a landfill and securing such landfill so that it does not pose a significant threat to public health or the environment and includes long-term monitoring and maintenance of a landfill.~~

~~(c) "Owner or operator" means, in addition to the usual meanings of the term, any owner of record of any interest in land whereon a landfill is or has been located and any person or corporation which owns a majority interest in any other corporation which is the owner or operator of a landfill.~~

(1)~~(2)~~ Every owner or operator of a landfill is jointly and severally liable for the improper operation and closure of the landfill, as provided by law. As used in this section, the term "owner or operator" means any owner of record of any interest in land wherein a landfill is or has been located and any person or corporation that owns a majority interest in any other corporation that is the owner or operator of a landfill.

(2)~~(3)~~ The owner or operator of a landfill owned or operated by a local or state government or the Federal Government shall establish a fee, or a surcharge on existing fees or other appropriate revenue-producing mechanism, to ensure the availability of financial resources for the proper closure of the landfill. However, the disposal of solid waste by persons on their own property, as described in s. 403.707(2), is exempt from the provisions of this section.

(a) The revenue-producing mechanism must produce revenue at a rate sufficient to generate funds to meet state and federal landfill closure requirements.

(b) The revenue shall be deposited in an interest-bearing escrow account to be held and administered by the owner or operator. The owner or operator shall file with the department an annual audit of the account. The audit shall be conducted by an independent certified public accountant. Failure to collect or report such revenue, except as allowed in subsection (3) ~~(4)~~, is a noncriminal violation punishable by a fine of not more than $5,000 for each offense. The owner or operator may make expenditures from the account and its accumulated interest only for the purpose of landfill closure and, if such expenditures do not deplete the fund to the detriment of eventual closure, for planning and construction of resource recovery or landfill facilities. Any moneys remaining in the account after paying for proper and complete closure, as determined by the department, shall, if the owner or operator does not operate a landfill, be deposited by the owner or operator into the general fund or the appropriate solid waste fund of the local government of jurisdiction.

(c) The revenue generated under this subsection and any accumulated interest thereon may be applied to the payment of, or pledged as security for, the payment of revenue bonds issued in whole or in part for the purpose of complying with state and federal landfill closure requirements. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefor.

(d) The provisions of s. 212.055 that relate to raising of revenues for landfill closure or long-term maintenance do not relieve a landfill owner or operator from the obligations of this section.

(e) The owner or operator of any landfill that had established an escrow account in accordance with this section and the conditions of its permit prior to January 1, 2006, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a local or state government or the Federal Government.

(3)~~(4)~~ An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide financial assurance to ~~establish proof of financial responsibility with~~ the department in lieu of the requirements of subsection (2) ~~(3)~~. An owner or operator of any other landfill, or any other solid waste management facility designated by department rule, shall provide financial assurance to the department for the closure of the facility. Such financial assurance ~~proof~~ may include surety bonds, certificates of deposit, securities, letters of credit, or other documents showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with applicable ~~landfill~~ closure requirements. The owner or operator shall estimate such costs to the satisfaction of the department.

(4)~~(5)~~ This section does not repeal, limit, or abrogate any other law authorizing local governments to fix, levy, or charge rates, fees, or charges for the purpose of complying with state and federal landfill closure requirements.

(5)~~(6)~~ The department shall adopt rules to implement this section.

Section 30. Section 403.716, Florida Statutes, is amended to read:

403.716 Training of operators of solid waste management and other facilities.--

(1) The department shall establish qualifications for, and encourage the development of training programs for, operators of landfills, coordinators of local recycling programs, ~~operators of waste-to-energy facilities, biomedical waste incinerators, and mobile soil thermal treatment units or facilities,~~ and operators of other solid waste management facilities.

(2) The department shall work with accredited community colleges, career centers, state universities, and private institutions in developing educational materials, courses of study, and other such information to be made available for persons seeking to be trained as operators of solid waste management facilities.

(3) A person may not perform the duties of an operator of a landfill~~, or perform the duties of an operator of a waste-to-energy facility, biomedical waste incinerator, or mobile soil thermal treatment unit or facility,~~ unless she or he has completed an operator training course approved by the department or she or he has qualified as an interim operator in compliance with requirements established by the department by rule. An owner of a landfill~~, waste-to-energy facility, biomedical waste incinerator, or mobile soil thermal treatment unit or facility~~ may not employ any person to perform the duties of an operator unless such person has completed an approved landfill~~, waste-to-energy facility, biomedical waste incinerator, or mobile soil thermal treatment unit or facility~~ operator training course, as appropriate, or has qualified as an interim operator in compliance with requirements established by the department by rule. The department may establish by rule operator training requirements for other solid waste management facilities and facility operators.

(4) The department has authority to adopt minimum standards and other rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. The department shall ensure the safe, healthy, and lawful operation of solid waste management facilities in this state. The department may establish by rule various classifications for operators to cover the need for differing levels of training required to operate various types of solid waste management facilities due to different operating requirements at such facilities.

(5) For purposes of this section, the term "operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or period of operation during any part of the day.

Section 31. Section 403.717, Florida Statutes, is amended to read:

403.717 Waste tire and lead-acid battery requirements.--

(1) For purposes of this section and ss. 403.718 and 403.7185:

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

(b) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, mopeds, or farm tractors and trailers.

(c) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(d) "Waste tire" means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. "Waste tire" includes, but is not limited to, used tires and processed tires. The term does not include solid rubber tires and tires that are inseparable from the rim.

(e) "Waste tire collection center" means a site where waste tires are collected from the public prior to being offered for recycling and where fewer than 1,500 tires are kept on the site on any given day.

(f) "Waste tire processing facility" means a site where equipment is used to treat waste tires mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal ~~recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole~~. The term includes mobile waste tire processing equipment.

(g) "Waste tire site" means a site at which 1,500 or more waste tires are accumulated.

(h) "Lead-acid battery" means a ~~those~~ lead-acid battery ~~batteries~~ designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold new as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components.

(i) "Indoor" means within a structure that ~~which~~ excludes rain and public access and would control air flows in the event of a fire.

(j) "Processed tire" means a tire that has been treated mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal.

(k) "Used tire" means a waste tire which has a minimum tread depth of 3/32 inch or greater and is suitable for use on a motor vehicle.

(2) The owner or operator of any waste tire site shall provide the department with information concerning the site's location, size, and the approximate number of waste tires that are accumulated at the site and shall initiate steps to comply with subsection (3).

(3)(a) A person may not maintain a waste tire site unless such site is:

1. An integral part of the person's permitted waste tire processing facility; or

2. Used for the storage of waste tires prior to processing and is located at a permitted solid waste management facility.

(b) It is unlawful for any person to dispose of waste tires or processed tires in the state except at a permitted solid waste management facility. Collection or storage of waste tires at a permitted waste tire processing facility or waste tire collection center prior to processing or use does not constitute disposal, provided that the collection and storage complies with rules established by the department.

(c) Whole waste tires may not be deposited in a landfill as a method of ultimate disposal.

(d) A person may not contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the department or exempt from requirements provided under this section. Any person who contracts with a waste tire collector for the transportation of more than 25 waste tires per month from a single business location must maintain records for that location and make them available for review by the department or by law enforcement officers, which records must contain the date when the tires were transported, the quantity of tires, the registration number of the collector, and the name of the driver.

(4) The department shall adopt rules to carry out the provisions of this section and s. 403.718. Such rules shall:

(a) Provide for the administration or revocation of waste tire processing facility permits, including mobile processor permits;

(b) Provide for the administration or revocation of waste tire collector registrations, the fees for which may not exceed $50 per vehicle registered annually;

(c) Provide for the administration or revocation of waste tire collection center permits, the fee for which may not exceed $250 annually;

(d) Set standards, including financial assurance standards, for waste tire processing facilities and associated waste tire sites, waste tire collection centers, waste tire collectors, and for the storage of waste tires and processed tires, including storage indoors;

(e) The department may by rule exempt not-for-hire waste tire collectors and processing facilities from financial assurance requirements;

(f) Authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal; and

(g) Allow waste tire material which has been cut into sufficiently small parts to be used as daily cover material for a landfill.

~~(5) A permit is not required for tire storage at:~~

~~(a) A tire retreading business where fewer than 1,500 waste tires are kept on the business premises;~~

~~(b) A business that, in the ordinary course of business, removes tires from motor vehicles if fewer than 1,500 of these tires are kept on the business premises; or~~

~~(c) A retail tire selling business which is serving as a waste tire collection center if fewer than 1,500 waste tires are kept on the business premises.~~

(5)~~(6)~~(a) The department shall encourage the voluntary establishment of waste tire collection centers at retail tire-selling businesses, waste tire processing facilities, and solid waste disposal facilities, to be open to the public for the deposit of waste tires.

(b) The department is authorized to establish an incentives program for individuals to encourage them to return their waste tires to a waste tire collection center. The incentives used by the department may involve the use of discount or prize coupons, prize drawings, promotional giveaways, or other activities the department determines will promote collection, reuse, volume reduction, and proper disposal of waste tires.

(c) The department may contract with a promotion company to administer the incentives program.

Section 32. Section 403.7221, Florida Statutes, is transferred, renumbered as section 403.70715, Florida Statutes, and amended to read:

403.70715 ~~403.7221~~ Research, development, and demonstration permits.--

(1) The department may issue a research, development, and demonstration permit to the owner or operator of any solid waste management facility, including any hazardous waste management facility, who proposes to utilize an innovative and experimental solid waste treatment technology or process for which permit standards have not been promulgated. Permits shall:

(a) Provide for construction and operation of the facility for not longer than 3 years ~~1 year~~, renewable no more than 3 times.

(b) Provide for the receipt and treatment by the facility of only those types and quantities of solid waste which the department deems necessary for purposes of determining the performance capabilities of the technology or process and the effects of such technology or process on human health and the environment.

(c) Include requirements the department deems necessary which may include monitoring, operation, testing, financial responsibility, closure, and remedial action.

(2) The department may apply the criteria set forth in this section in establishing the conditions of each permit without separate establishment of rules implementing such criteria.

(3) For the purpose of expediting review and issuance of permits under this section, the department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements, except that there shall be no modification or waiver of regulations regarding financial responsibility or of procedures established regarding public participation.

(4) The department may order an immediate termination of all operations at the facility at any time upon a determination that termination is necessary to protect human health and the environment.

Section 33. Subsection (2) of section 403.201, Florida Statutes, is amended to read:

403.201 Variances.--

(2) No variance shall be granted from any provision or requirement concerning discharges of waste into waters of the state or hazardous waste management which would result in the provision or requirement being less stringent than a comparable federal provision or requirement, except as provided in s. 403.70715 ~~s. 403.7221~~.

Section 34. Section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.--

(1) Each person who intends to or is required to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility shall obtain a construction permit, operation permit, postclosure permit, clean closure plan

approval, or corrective action permit from the department prior to constructing, modifying, operating, or closing the facility. By rule, the department may provide for the issuance of a single permit instead of any two or more hazardous waste facility permits.

(2) Any owner or operator of a hazardous waste facility in operation on the effective date of the department rule listing and identifying hazardous wastes shall file an application for a temporary operation permit within 6 months after the effective date of such rule. The department, upon receipt of a properly completed application, shall identify any department rules which are being violated by the facility and shall establish a compliance schedule. However, if the department determines that an imminent hazard exists, the department may take any necessary action pursuant to s. 403.726 to abate the hazard. The department shall issue a temporary operation permit to such facility within the time constraints of s. 120.60 upon submission of a properly completed application which is in conformance with this subsection. Temporary operation permits for such facilities shall be issued for up to 3 years only. Upon termination of the temporary operation permit and upon proper application by the facility owner or operator, the department shall issue an operation permit for such existing facilities if the applicant has corrected all of the deficiencies identified in the temporary operation permit and is in compliance with all other rules adopted pursuant to this act.

(3) ~~Permit~~ Applicants shall provide any information that ~~which~~ will enable the department to determine that the proposed construction, modification, operation, ~~or~~ closure, or corrective action will comply with this act and any applicable rules. In no instance shall any person construct, modify, operate, or close a facility or perform corrective actions at a facility in contravention of the standards, requirements, or criteria for a hazardous waste facility. Authorizations ~~Permits~~ issued under this section may include any permit conditions necessary to achieve compliance with applicable hazardous waste rules and necessary to protect human health and the environment.

(4) The department may require, in an ~~a permit~~ application, submission of information concerning matters specified in s. 403.721(6) as well as information respecting:

(a) Estimates of the composition, quantity, and concentration of any hazardous waste identified or listed under this act or combinations of any such waste and any other solid waste~~,~~ proposed to be disposed of, treated, transported, or stored and the time, frequency, or rate at which such waste is proposed to be disposed of, treated, transported, or stored; and

(b) The site to which such hazardous waste or the products of treatment of such hazardous waste will be transported and at which it will be disposed of, treated, or stored.

(5) An authorization ~~A permit~~ issued pursuant to this section is not a vested right. The department may revoke or modify any such authorization ~~permit~~.

(a) Authorizations ~~Permits~~ may be revoked for failure of the holder to comply with the provisions of this act, the terms of the authorization ~~permit~~, the standards, requirements, or criteria adopted pursuant to this act, or an order of the department; for refusal by the holder to allow lawful inspection; for submission by the holder of false or inaccurate information in the permit application; or if necessary to protect the public health or the environment.

(b) Authorizations ~~Permits~~ may be modified, upon request of the holder ~~permittee~~, if such modification is not in violation of this act or department rules or if the department finds the modification necessary to enable the facility to remain in compliance with this act and department rules.

(c) An owner or operator of a hazardous waste facility in existence on the effective date of a department rule changing an exemption or listing and identifying the hazardous wastes that ~~which~~ require that facility to be permitted who notifies the department pursuant to s. 403.72, and who has applied for a permit pursuant to subsection (2), may continue to operate until ~~be~~ issued a temporary operation permit. If such owner or operator intends to or is required to discontinue operation, the temporary operation permit must include final closure conditions.

(6) A hazardous waste facility permit issued pursuant to this section shall satisfy the permit requirements of s. 403.707(1). The permit exemptions provided in s. 403.707(2) shall not apply to hazardous waste.

(7) The department may establish ~~permit~~ application procedures for hazardous waste facilities, which procedures may vary based on differences in amounts, types, and concentrations of hazardous waste and on differences in the size and location of facilities and which procedures may take into account permitting procedures of other laws not in conflict with this act.

(8) For authorizations ~~permits~~ required by this section, the department may require that a fee be paid and may establish, by rule, a fee schedule based on the degree of hazard and the amount and type of hazardous waste disposed of, stored, or treated at the facility.

(9) It shall not be a requirement for the issuance of ~~such~~ a hazardous waste authorization ~~permit~~ that the facility complies with an adopted local government comprehensive plan, local land use ordinances, zoning ordinances or regulations, or other local ordinances. However, such an authorization ~~a permit~~ issued by the department shall not override adopted local government comprehensive plans, local land use ordinances, zoning ordinances or regulations, or other local ordinances.

(10) Notwithstanding ss. 120.60(1) and 403.815:

(a) The time specified by law for permit review shall be tolled by the request of the department for publication of notice of proposed agency action to issue a permit for a hazardous waste treatment, storage, or disposal facility and shall resume 45 days after receipt by the department of proof of publication. If, within 45 days after publication of the notice of the proposed agency action, the department receives written notice of opposition to the intention of the agency to issue such permit and receives a request for a hearing, the department shall provide for a hearing pursuant to ss. 120.569 and 120.57, if requested by a substantially affected party, or an informal public meeting, if requested by any other person. The failure to request a hearing within 45 days after publication of the notice of the proposed agency action constitutes a waiver of the right to a hearing under ss. 120.569 and 120.57. The permit review time period shall continue to be tolled until the completion of such hearing or meeting and shall resume within 15 days after conclusion of a public hearing held on the application or within 45 days after the recommended order is submitted to the agency and the parties, whichever is later.

(b) Within 60 days after receipt of an application for a hazardous waste facility permit, the department shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the department is permitted by law to require. The failure to correct an error or omission or to supply additional information shall not be grounds for denial of the permit unless the department timely notified the applicant within the 60-day period, except that this paragraph does not prevent the department from denying an application if the department does not possess sufficient information to ensure that the facility is in compliance with applicable statutes and rules.

(c) The department shall approve or deny each hazardous waste facility permit within 135 days after receipt of the original application or after receipt of the requested additional information or correction of errors or omissions. However, the failure of the department to approve or deny within the 135-day time period does not result in the automatic approval or denial of the permit and does not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny the permit within the 135-day period, the applicant may petition for a writ of mandamus to compel the department to act consistently with applicable regulatory requirements.

(11) Hazardous waste facility operation permits shall be issued for no more than 5 years.

(12) On the same day of filing with the department of an application for a permit for the construction modification, or operation of a hazardous waste facility, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the

newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice shall contain:

(a) The name of the applicant and a brief description of the project and its location.

(b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and shall comply with the following format:

Notice of Application

The Department of Environmental Protection announces receipt of an application for a permit from (name of applicant) to (brief description of project). This proposed project will be located at (location) in (county) (city).

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at (name and address of office).

(13) A permit for the construction, modification, or operation of a hazardous waste facility which initially was issued under authority of this section, may not be transferred by the permittee to any other entity, except in conformity with the requirements of this subsection.

(a) At least 30 days prior to the sale or legal transfer of a permitted facility, the permittee shall file with the department an application for transfer of the permits on such form as the department shall establish by rule. The form must be completed with the notarized signatures of both the transferring permittee and the proposed permittee.

(b) The department shall approve the transfer of a permit unless it determines that the proposed permittee has not provided reasonable assurances that the proposed permittee has the administrative, technical, and financial capability to properly satisfy the requirements and conditions of the permit, as determined by department rule. The determination shall be limited solely to the ability of the proposed permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions. If the department proposes to deny the transfer, it shall provide both the transferring permittee and the proposed permittee a written objection to such transfer together with notice of a right to request a proceeding on such determination under chapter 120.

(c) Within 90 days after receiving a properly completed application for transfer of permit, the department shall issue a final determination. The department may toll the time for making a determination on the transfer by notifying both the transferring permittee and the proposed permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days after receipt of an application for transfer of permit, completed pursuant to paragraph (a). However, the failure of the department to approve or deny within the 90-day time period does not result in the automatic approval or denial of the transfer. If the department fails to approve or deny the transfer within the 90-day period, the applicant may petition for a writ of mandamus to compel the department to act consistently with applicable regulatory requirements.

(d) The transferring permittee is encouraged to apply for a permit transfer well in advance of the sale or legal transfer of a permitted facility. However, the transfer or the permit shall not be effective prior to the sale or legal transfer of the facility.

(e) Until the transfer of the permit is approved by the department, the transferring permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. Nothing in this section shall relieve the transferring permittee of liability for corrective actions that may be required as a result of any violations occurring prior to the legal transfer of the permit.

Section 35. Subsection (2) of section 403.7226, Florida Statutes, is amended to read:

403.7226 Technical assistance by the department.--The department shall:

(2) Identify short-term needs and long-term needs for hazardous waste management for the state on the basis of the information gathered through the local hazardous waste management assessments and other information from state and federal regulatory agencies and sources. The state needs assessment must be ongoing and must be updated when new data concerning waste generation and waste management technologies become available. ~~The department shall annually send a copy of this assessment to the Governor and to the Legislature.~~

Section 36. Subsection (3) of section 403.724, Florida Statutes, is amended to read:

403.724 Financial responsibility.--

(3) The amount of financial responsibility required shall be approved by the department upon each issuance, renewal, or modification of a hazardous waste facility authorization ~~permit~~. Such factors as inflation rates and changes in operation may be considered when approving financial responsibility for the duration of the authorization ~~permit~~. The Office of Insurance Regulation of the Department of Financial Services ~~Commission~~ shall be available to assist the department in making this determination. In approving or modifying the amount of financial responsibility, the department shall consider:

(a) The amount and type of hazardous waste involved;

(b) The probable damage to human health and the environment;

(c) The danger and probable damage to private and public property near the facility;

(d) The probable time that the hazardous waste and facility involved will endanger the public health, safety, and welfare or the environment; and

(e) The probable costs of properly closing the facility and performing corrective action.

Section 37. Section 403.7255, Florida Statutes, is amended to read:

403.7255 Placement of signs ~~Department to adopt rules~~.--

(1) ~~The department shall adopt rules which establish requirements and procedures for the placement of~~ Signs must be placed by the owner or operator at ~~sites which may have been contaminated by hazardous wastes. Sites shall include~~ any site in the state which ~~that~~ is listed or proposed for listing on the Superfund Site List of the United States Environmental Protection Agency or any site identified by the department as a ~~suspected or confirmed contaminated~~ site contaminated by hazardous waste where there is ~~may be~~ a risk of exposure to the public. The requirements of this section shall not apply to sites reported under ss. 376.3071 and 376.3072. The department shall establish requirements and procedures for the placement of signs, and may do so in rules, permits, orders, or other authorizations. The authorization ~~rules~~ shall establish the appropriate size for such signs, which size shall be no smaller than 2 feet by 2 feet, and shall provide in clearly legible print appropriate warning language for the waste or other materials at the site and a telephone number which may be called for further information.

(2) Violations of this act are punishable as provided in s. 403.161(4).

(3) The provisions of this act are independent of and cumulative to any other requirements and remedies in this chapter or chapter 376, or any rules promulgated thereunder.

Section 38. Subsection (5) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.--

(5) The department may issue a permit or order requiring prompt abatement of an imminent hazard.

Section 39. Subsection (8) of section 403.7265, Florida Statutes, is amended to read:

403.7265 Local hazardous waste collection program.--

(8) The department has the authority to establish an additional local project grant program enabling a local hazardous waste collection center grantee to receive funding for unique projects that improve the collection and lower the incidence of improper management of conditionally exempt or household hazardous waste. Eligible local governments may receive up to $50,000 in grant funds for these unique and innovative projects, provided they match 25 percent of the grant amount. If the department finds that the project has statewide applicability and immediate benefits to other local hazardous waste collection programs in the state, matching funds are not required. This grant will not count toward the $100,000 maximum grant amount for development of a collection center.

Section 40. Section 403.885, Florida Statutes, is amended to read:

403.885 ~~Stormwater management; wastewater management; and Water Restoration~~ Water Projects Grant Program.--

(1) The Department of Environmental Protection shall administer a grant program to use funds transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as appropriated by the Legislature for stormwater management, wastewater management, ~~and~~ water restoration and other water projects as specifically appropriated by the Legislature ~~project grants~~. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, storm water management, wastewater management, ~~and~~ lake and river water restoration projects~~.~~, and drinking water projects ~~are not eligible for funding~~ pursuant to this section.

(2) The grant program shall provide for the evaluation of annual grant proposals. The department shall evaluate such proposals to determine if they:

(a) Protect public health and the environment.

(b) Implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of chapter 373, other water restoration plans required by law, management plans prepared pursuant to s. 403.067, or other plans adopted by local government for water quality improvement and water restoration.

~~(3) In addition to meeting the criteria in subsection (2), annual grant proposals must also meet the following requirements:~~

~~(a) An application for a stormwater management project may be funded only if the application is approved by the water management district with jurisdiction in the project area. District approval must be based on a determination that the project provides a benefit to a priority water body.~~

~~(b) Except as provided in paragraph (c), an application for a wastewater management project may be funded only if:~~

~~1. The project has been funded previously through a line item in the General Appropriations Act; and~~

~~2. The project is under construction.~~

~~(c) An application for a wastewater management project that would qualify as a water pollution control project and activity in s. 403.1838 may be funded only if the project sponsor has submitted an application to the department for funding pursuant to that section.~~

~~(4) All project applicants must provide local matching funds as follows:~~

~~(a) An applicant for state funding of a stormwater management project shall provide local matching funds equal to at least 50 percent of the total cost of the project; and~~

~~(b) An applicant for state funding of a wastewater management project shall provide matching funds equal to at least 25 percent of the total cost of the project.~~

~~The requirement for matching funds may be waived if the applicant is a financially disadvantaged small local government as defined in subsection (5).~~

~~(5) Each fiscal year, at least 20 percent of the funds available pursuant to this section shall be used for projects to assist financially disadvantaged small local governments. For purposes of this section, the term "financially disadvantaged small local government" means a municipality having a population of 7,500 or less, a county having a population of 35,000 or less, according to the latest decennial census and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce, or a county in an area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656. Grants made to these eligible local governments shall not require matching local funds.~~

~~(6) Each year, stormwater management and wastewater management projects submitted for funding through the legislative process shall be submitted to the department by the appropriate fiscal committees of the House of Representatives and the Senate. The department shall review the projects and must provide each fiscal committee with a list of projects that appear to meet the eligibility requirements under this grant program.~~

Section 41. Paragraph (e) of subsection (3) of section 373.1961, Florida Statutes, is amended to read:

373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.--

(3) FUNDING.--

(e) Applicants for projects that may receive funding assistance pursuant to the Water Protection and Sustainability Program shall, at a minimum, be required to pay 60 percent of the project's construction costs. The water management districts may, at their discretion, totally or partially waive this requirement for projects sponsored by financially disadvantaged small local governments ~~as defined in s. 403.885(4)~~. The water management districts or basin boards may, at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.

Section 42. Paragraph (b) of subsection (1) of section 206.606, Florida Statutes, is amended to read:

206.606 Distribution of certain proceeds.--

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(b) $2.5 million shall be transferred to the State Game Trust Fund in the Fish and Wildlife Conservation Commission in each fiscal year and used for recreational boating activities, and freshwater fisheries management and research. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.

1. A minimum of $1.25 million shall be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal ~~aquatic plant control~~, and other local boating related activities. In funding the projects, the commission shall give priority consideration as follows:

a. Unmet needs in counties with populations of 100,000 or less.

b. Unmet needs in coastal counties with a high level of boating related activities from individuals residing in other counties.

2. The remaining $1.25 million may be used for recreational boating activities and freshwater fisheries management and research.

3. The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement a Florida Boating Improvement Program ~~similar to the program administered by the Department of Environmental Protection and established in rules 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine projects eligible for funding under this subsection~~.

On February 1 of each year, the commission shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees.

Section 43. Section 327.59, Florida Statutes, is amended to read:

327.59 Marina evacuations.--

(1) After June 1, 1994, marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.

(2) Nothing in this section may be construed to restrict the ability of an owner of a vessel or the owner's authorized representative to remove a vessel voluntarily from a marina at any time or to restrict a marina owner from dictating the kind of cleats, ropes, fenders, and other measures that must be used on vessels as a condition of use of a marina. After a tropical storm or hurricane watch has been issued, a marina owner or operator, or an employee or agent of such owner or operator, may take reasonable actions to further secure any vessel within the marina to minimize damage to a vessel and to protect marina property, private property, and the environment and may charge a reasonable fee for such services.

(3) Notwithstanding any other provisions of this section, in order to minimize damage to a vessel and to protect marina property, private property, and the environment, a marina owner may provide by contract that in the event a vessel owner fails to promptly remove a vessel from a marina after a tropical storm or hurricane watch has been issued, the marina owner, operator, employee, or agent may remove the vessel, if reasonable, from its slip or take whatever reasonable actions are deemed necessary to properly secure a vessel to minimize damage to a vessel and to protect marina property, private property, and the environment and may charge the vessel owner a reasonable fee for any such services rendered. In order to add such a provision to a contract, the marina owner must provide notice to the vessel owner in any such contract in a font size of at least 10 points and in substantially the following form:

NOTICE TO VESSEL OWNER

The undersigned hereby informs you that in the event you fail to remove your vessel from the marina promptly (timeframe to be determined between the marina owner or operator and the vessel owner) after the issuance of a tropical storm or hurricane watch for (insert geographic area), Florida, under Florida law, the undersigned or his or her employees or agents are authorized to remove your vessel, if reasonable, from its slip or take any and all other reasonable actions deemed appropriate by the undersigned or his or her employees or agents in order to better secure your vessel and to protect marina property, private property, and the environment. You are further notified that you may be charged a reasonable fee for any such action.

(4) A marina owner, operator, employee, or agent shall not be held liable for any damage incurred to a vessel from storms or hurricanes and is held harmless as a result of such actions. Nothing in this section may be construed to provide immunity to a marina operator, employee, or agent for any damage caused by intentional acts or negligence when removing or securing a vessel as permitted under this section.

Section 44. Subsection (2) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.--

(2) Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in ~~the exercise of rights of~~ navigation.

Section 45. Section 328.64, Florida Statutes, is amended to read:

328.64 Change of interest and address.--

(1) The owner shall furnish the Department of Highway Safety and Motor Vehicles notice of the transfer of all or any part of his or her interest in a vessel registered or titled in this state pursuant to this chapter or chapter 328 or of the destruction or abandonment of such vessel, within 30 days thereof, on a form prescribed by the department. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate. The department shall provide the form for such notice and shall attach the form to every vessel title issued or reissued.

(2) Any holder of a certificate of registration shall notify the Department of Highway Safety and Motor Vehicles or the county tax collector within 30 days, if his or her address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department or such county tax collector with the new address. The department shall ~~may~~ provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 46. Subsection (15) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.--

(15) DISTRIBUTION OF FEES.--Except for the first $2, $1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and $1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, pursuant to s. 206.606 ~~327.47~~, giving priority consideration to counties with more than 35,000 registered vessels, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and ~~other boating-related activities, for~~ removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53~~, and for manatee and marine mammal protection and recovery~~. Counties shall ~~that~~ demonstrate through an annual detailed accounting report of vessel registration revenues that ~~at least $1 of~~ the registration fees were spent as provided in this subsection ~~on boating infrastructure shall only be required to transfer the first $1 of the fees to the Save the Manatee Trust Fund~~. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, prior to January 1 of each calendar year, the annual detailed accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county shall not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, instead, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection ~~The commission shall provide an exemption letter to the department by December 15 of each year for qualifying counties~~.

Section 47. Paragraph (g) of subsection (4) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.--

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(g) The funding of a grant program to ~~coastal~~ local governments, pursuant to s. 376.15(2)(b) and (c), for the removal of derelict vessels from the public waters of the state.

Section 48. Section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; removal from public waters.--

(1) It is unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel as defined in s. 823.11(1) in this state ~~or leave any vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any public waters or at any port in this state without the consent of the agency having jurisdiction thereof or docked at any private property without the consent of the owner of the private property~~.

(2)(a) The Fish and Wildlife Conservation Commission and its officers and all law enforcement officers as specified in s. 327.70 are ~~is hereby designated as the agency of the state~~ authorized and empowered to remove any derelict vessel as defined in s. 823.11(1) ~~described in subsection (1)~~ from public waters. All costs incurred by the commission or other law enforcement agency in the removal of any abandoned or derelict vessel shall be recoverable against the owner of the vessel. The Department of Legal Affairs shall represent the commission in such actions.

(b) The commission may establish a program to provide grants to ~~coastal~~ local governments for the removal of derelict vessels from the public waters of the state. The program shall be funded from the Florida Coastal Protection Trust Fund. Notwithstanding the provisions in s. 216.181(11), funds available for grants may only be authorized by appropriations acts of the Legislature.

(c) The commission shall adopt by rule procedures for submitting a grant application and criteria for allocating available funds. Such criteria shall include, but not be limited to, the following:

1. The number of derelict vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of the state.

(d) This section shall constitute the authority ~~of the commission~~ for such removal, but is not intended to be in contravention of any applicable federal act.

~~(e) The Department of Legal Affairs shall represent the Fish and Wildlife Conservation Commission in such actions.~~

Section 49. Paragraph (s) of subsection (2) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.--

(2) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(s) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

1. Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;

2. Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure~~, do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water~~;

3. Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in s. 253.141;

4. Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where ~~no~~ seagrasses are least dense ~~exist if such areas are present~~ adjacent to the dock or bulkhead; and

5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, shall not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). ~~By January 1, 2003,~~ The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. ~~Upon the adoption of the rule creating such general permit,~~ No local government shall impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel platforms as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure ~~on floating vessel platforms or floating boat lifts covered by such general permit~~.

Section 50. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.--As used in this chapter:

(3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11(1) ~~Vessels determined to be derelict by the Fish and Wildlife Conservation Commission or a county or municipality in accordance with the provisions of s. 823.11 are included within this definition~~.

Section 51. Subsection (4) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.--

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel ~~boat~~ or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel ~~boat~~ or motor vehicle, or any other vessel ~~boat~~ or motor vehicle, until such costs have been paid. The law enforcement officer shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel ~~boat~~ registration privileges or whose motor vehicle privileges have been revoked under this subsection. Neither the department nor any other person acting as agent thereof shall issue a certificate of registration to a person whose vessel ~~boat~~ or motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 52. Section 823.11, Florida Statutes, is amended to read:

823.11 Abandoned and derelict vessels; removal; penalty.--

(1) "Derelict vessel" means any vessel, as defined in s. 327.02, that is left, stored, or abandoned:

(a) In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

(b) At any port in this state without the consent of the agency having jurisdiction thereof.

(c) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

(2) It is unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel as defined in this section in this state ~~or leave any~~

~~vessel as defined by maritime law in a wrecked, junked, or substantially dismantled condition or abandoned upon or in any public water or at any port in this state without the consent of the agency having jurisdiction thereof, or docked at any private property without the consent of the owner of such property.~~

(3)(a)~~(2)~~ The Fish and Wildlife Conservation Commission and its officers and all law enforcement officers as specified in s. 327.70 are ~~is designated as the agency of the state~~ authorized and empowered to remove or cause to be removed any abandoned or derelict vessel from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. Removal of vessels pursuant to this section may be funded by grants provided in ss. 206.606 and 376.15. The Fish and Wildlife Conservation Commission is directed to implement a plan for the procurement of any available federal disaster funds and to use such funds for the removal of derelict vessels. All costs incurred by the commission or other law enforcement agency in the removal of any abandoned or derelict vessel as set out above shall be recoverable against the owner thereof. The Department of Legal Affairs shall represent the commission in such actions. As provided in s. 705.103(4), any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until the costs have been paid.

(b) When a derelict vessel is docked or grounded at or beached upon private property without the consent of the owner of the property, the owner of the property may remove the vessel at the vessel owner's expense 60 days after compliance with the notice requirements specified in s. 328.17(5). The private property owner may not hinder reasonable efforts by the vessel owner or agent to remove the vessel. Any notice given pursuant to this paragraph shall be presumed delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage. ~~Pursuant to an agreement with the governing body of a county or municipality, and upon a finding by the commission that the county or municipality is competent to undertake said responsibilities, the commission may delegate to the county or municipality its authority to remove or cause to be removed an abandoned or derelict vessel from public waters within the county or municipality.~~

(4)~~(3)~~ Any person, firm, or corporation violating this act commits ~~is guilty of~~ a misdemeanor of the first degree and shall be punished as provided by law. Conviction under this section shall not bar the assessment and collection of the civil penalty provided in s. 376.16 for violation of s. 376.15. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

Section 53. For upland properties bordering on navigable waters, notwithstanding any other provision of Florida Statutes, rules, or local ordinances, riparian rights shall include the right to moor a vessel of a length that is less than the width of the property, provided the dock runs adjacent and parallel to a seawall, does not interfere with navigation as defined by International Navigational Rules Act of 1977 (Public Law 95-75, 91 Stat. 308, or 33 U.S.C. 1601-1608), or the Inland Navigation Rules Act of 1980 (Public Law 96-591, 94 Stat. 3415, 33 U.S.C. 2001-2038), the vessel is registered in the name of the owner of the upland property, the owner of the upland property has designated the property homestead pursuant to s. 222.01, Florida Statutes, and provided no dredging or alteration of the submerged land is needed to accommodate the vessel.

Section 54. Section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.--The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a person or animal.

(2) "Analog" or "chemical analog" means a structural derivative of a parent compound that is a controlled substance.

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

(4) "Clandestine laboratory" means any location and proximate areas set aside or used that are likely to be contaminated as a result of manufacturing, processing, cooking, disposing, or storing, either temporarily or permanently, any substances in violation of this chapter, except as such activities are authorized in chapter 499.

(5) "Contaminated" or "contamination" means containing levels of chemicals at or above the levels defined by the department pursuant to s. 893.123(1) as a result of clandestine laboratory activity.

(6) "Contamination assessment specialist" or "contamination assessor" means a person responsible for assessing the extent of contamination and decontamination by determining the indoor air quality in a residential property based on the standards defined by the department. Upon the conclusion of decontamination, a residential property must successfully test less than or equal to the values defined by the department. The person must have specialized training that provides him or her with the knowledge, skills, and abilities to use quantitative measurement techniques in collecting and assessing specified contamination levels that have the ability to impair human health and well-being.

(7)~~(4)~~ "Controlled substance" means any substance named or described in Schedules I-V of s. 893.03. Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

(8) "Decontamination" means the process of reducing the levels of contaminants to the levels defined by the department pursuant to s. 893.123(1) that allow human reoccupancy using currently available methods and processes.

(9) "Decontamination specialist" means a person responsible for the cleanup, treatment, repair, removal, and decontamination of contaminated materials located in a residential property where clandestine laboratory activities occurred. The person must have the knowledge, skills, and ability to prescribe methods to eliminate, control, or reduce contamination; and must have been trained in the removal, storage, transport, and disposal of hazardous chemicals or chemical residues commonly associated with clandestine laboratory activities.

(10)~~(5)~~ "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(11)~~(9)~~ "Department" means the Department of Health.

(12)~~(6)~~ "Dispense" means the transfer of possession of one or more doses of a medicinal drug by a pharmacist or other licensed practitioner to the ultimate consumer thereof or to one who represents that it is his or her intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.

(13)~~(7)~~ "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(14)~~(8)~~ "Distributor" means a person who distributes.

(15)~~(10)~~ "Hospital" means an institution for the care and treatment of the sick and injured, licensed pursuant to the provisions of chapter 395 or owned or operated by the state or Federal Government.

(16)~~(11)~~ "Laboratory" means a laboratory approved by the Drug Enforcement Administration as proper to be entrusted with the custody of controlled substances for scientific, medical, or instructional purposes or to aid law enforcement officers and prosecuting attorneys in the enforcement of this chapter.

(17)~~(12)~~ "Listed chemical" means any precursor chemical or essential chemical named or described in s. 893.033.

(18)~~(13)~~(a) "Manufacture" means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

1. A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.

2. A practitioner, or by his or her authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale.

(b) "Manufacturer" means and includes every person who prepares, derives, produces, compounds, or repackages any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to manufacturers of patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

(19)~~(14)~~ "Mixture" means any physical combination of two or more substances.

(20)~~(15)~~ "Patient" means an individual to whom a controlled substance is lawfully dispensed or administered pursuant to the provisions of this chapter.

(21)~~(16)~~ "Pharmacist" means a person who is licensed pursuant to chapter 465 to practice the profession of pharmacy in this state.

(22)~~(17)~~ "Possession" includes temporary possession for the purpose of verification or testing, irrespective of dominion or control.

(23)~~(18)~~ "Potential for abuse" means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being:

(a) Used in amounts that create a hazard to the user's health or the safety of the community;

(b) Diverted from legal channels and distributed through illegal channels; or

(c) Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances.

(24)~~(19)~~ "Practitioner" means a physician licensed pursuant to chapter 458, a dentist licensed pursuant to chapter 466, a veterinarian licensed pursuant to chapter 474, an osteopathic physician licensed pursuant to chapter 459, a naturopath licensed pursuant to chapter 462, or a podiatric physician licensed pursuant to chapter 461, provided such practitioner holds a valid federal controlled substance registry number.

(25)~~(20)~~ "Prescription" means and includes an order for drugs or medicinal supplies written, signed, or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed practitioner licensed by the laws of the state to prescribe such drugs or medicinal supplies, issued in good faith and in the course of professional practice, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so, and meeting the requirements of s. 893.04. The term also includes an order for drugs or medicinal supplies so transmitted or written by a physician, dentist, veterinarian, or other practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his or her professional judgment, that the order was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness. However, if the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of said prescription. A prescription order for a controlled substance shall not be issued on the same prescription blank with another prescription order for a controlled substance which is named or described in a different schedule, nor shall any prescription order for a controlled substance be issued on the same prescription blank as a prescription order for a medicinal drug, as defined in s. 465.031(5), which does not fall within the definition of a controlled substance as defined in this act.

(26) "Residential property" means a dwelling unit used, or intended for use, by an individual or individuals as a permanent residence. The term includes improved real property of between one and four dwellings; a condominium unit, as defined in s. 718.103(27); a cooperative unit, as defined in s. 719.103(24); or a mobile home or manufactured home, as defined in s. 320.01(2). The term does not include a hotel, motel, campground, marina, or timeshare unit.

(27)~~(21)~~ "Wholesaler" means any person who acts as a jobber, wholesale merchant, or broker, or an agent thereof, who sells or distributes for resale any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to persons who sell only patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

Section 55. Section 893.121, Florida Statutes, is created to read:

893.121 Quarantine of a clandestine laboratory.--

(1) The purpose of the quarantine provided for in this section is to prevent exposure of any person to the hazards associated with clandestine laboratory activities and provide protection from unsafe conditions that pose a threat to the public health, safety, and welfare. The department has the authority to quarantine residential property under s. 381.0011.

(2) Whenever a sheriff, police officer, or other law enforcement entity secures evidence from a residential property in which illegal clandestine laboratory activities occurred, the department must quarantine the property. The local law enforcement entity securing evidence shall enforce a quarantine on the residential property as part of its duty to assist the department under s. 381.0012(5). Enforcement does not require the 24-hour posting of law enforcement personnel. The residential property shall remain quarantined until the department receives a certificate of fitness documenting that the property was decontaminated as defined by the department pursuant to s. 893.123 or demolished in accordance with s. 893.122(1), or a court order is presented requiring the quarantine to be lifted.

(3) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a uniform notice to post at the site of a quarantined clandestine laboratory and a uniform letter of notification of the quarantine to be sent to the residential property owner or manager. It is the responsibility of local law enforcement to post the notice of a quarantine on the residential property, and it is the responsibility of the department to mail the letter of notification. The material in the letter and notice shall include, but not be limited to:

(a) That the residential property has been quarantined and a clandestine laboratory was seized on or inside the residential property.

(b) The date of the quarantine.

(c) The name and contact telephone number of the law enforcement entity posting the quarantine.

(d) A statement specifying that hazardous substances, toxic chemicals, or other hazardous waste products may have been present and may remain on or inside the residential property and that exposure to the substances may be harmful and may pose a threat to public health and the environment.

(e) A statement that it is unlawful for an unauthorized person to enter the contaminated residential property and that the removal of any notice of the quarantine is a second degree misdemeanor under s. 381.0025(1).

(f) A statement, in the notification letter, explaining how to have the quarantine lifted.

(4) Upon securing evidence from a residential property in which illegal clandestine laboratory activities occurred, the local law enforcement entity shall immediately notify the local health officer and the department's Division of Environmental Health that a residential property is quarantined and shall provide the name and contact information of the law enforcement entity, the name of the residential property owner or residential property manager, and the address of the property.

(5) To the extent possible, the department shall mail the letter of notification to the residential property owner or the manager of the residential property within 5 working days from the date of quarantine notifying the owner or manager that a clandestine laboratory was found on the property and that the property has been quarantined. The department shall also include a list of contamination assessment specialists and decontamination specialists and any other information deemed appropriate by the department to the residential property owner or manager.

(6) Any person who has an interest in a residential property that is quarantined pursuant to this section may file a petition in the circuit court in which the residential property is located to request a court order that the quarantine of the residential property be lifted for one of the following reasons:

(a) The residential property was wrongfully quarantined; or

(b) The residential property has been properly decontaminated as defined by the department pursuant to s. 893.123 or demolished pursuant to s. 893.122(1) and may be reoccupied for habitation, but the department refuses or fails to lift the quarantine.

(7) No person shall inhabit a quarantined residential property, offer the residential property to the public for temporary or indefinite habitation, or remove any notice of the quarantine. Any person who willfully violates a provision of this subsection commits a second degree misdemeanor under s. 381.0025(1).

Section 56. Section 893.122, Florida Statutes, is created to read:

893.122 Option of demolition; immunity from liability from health-based civil actions.--

(1) A residential property owner shall, upon notification from the department that clandestine laboratory activities have occurred in a property owned by that owner and that the property is quarantined, meet the decontamination standards as defined by the department pursuant to s. 893.123 unless the property owner, at the owner's discretion, elects to demolish the contaminated residential property. The demolition and removal of materials must meet the requirements of the Occupational Safety and Health Administration and the United States Environmental Protection Agency regulations pertaining to the generation, storage, transport, and disposal of hazardous wastes and any state or local requirements.

(2) A residential property owner who has met the decontamination standards, as evidenced by a certificate of fitness and a letter of reoccupancy pursuant to s.893.123, or has demolished the residential property in compliance with subsection (1), shall have immunity from health-based civil actions brought by any future owner, renter, or other person who occupies such residential property, or a neighbor of such residential property, in which the alleged cause of the injury or loss is the existence of the clandestine laboratory. However, a person with a conviction, as defined in s. 944.607, for the manufacture of any substance regulated under this chapter on the residential property where clandestine laboratory activities occurred shall not have the immunity provided in this subsection.

Section 57. Section 893.123, Florida Statutes, is created to read:

893.123 Clandestine laboratory decontamination standards, certificate of fitness, and letter of reoccupancy.--

(1) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 that establish:

(a) Standards for indoor air quality regarding levels of contaminants produced by clandestine laboratory activities to include methamphetamine, lead, mercury, and volatile organic compounds. These standards must be consistent with values commonly used by other states or comply with national standards.

(b) Standards for the cleanup and testing of clandestine laboratories.

(c) A certificate of fitness that shall act as appropriate documentation that a residential property has been decontaminated in accordance with specified standards. The certificate of fitness shall be submitted to the department by a contamination assessment specialist. The certificate of fitness shall include, but is not limited to:

1. The name of the residential property owner, the mailing and street address of the residential property owner, and, if applicable, the parcel identification of the residential property.

2. The dates the residential property was quarantined and cleanup was completed.

3. A summary of the indoor air quality test results, findings, and conclusions as determined by a contamination assessment specialist.

4. The name and address of the contamination assessment specialist.

5. The name and address of the decontamination specialist.

6. The method of repair, replacement, or decontamination of the residential property.

(d) A letter of reoccupancy that will notify the residential property owner that the property may be reoccupied for habitation.

(2) Upon receipt of the certificate of fitness, the department shall send a letter of reoccupancy to the residential property owner or manager and to the local law enforcement entity that enforced the quarantine and posted the notice. The letter of reoccupancy must include the address of the residential property, a statement that the quarantine is lifted, and a statement that the residential property may be reoccupied for habitation.

(3) In the case of demolition, the department shall lift the quarantine on a residential property upon receipt of a letter presented by a demolition company stating that the quarantined property was demolished. The letter must include the address of the residential property and a statement that the demolition was performed in accordance to the requirements in s. 893.122(1).

Section 58. Section 893.124, Florida Statutes, is created to read:

893.124 Decontamination and contamination assessment specialists.--

(1)(a) The department shall compile and maintain lists of decontamination and contamination assessment specialists. The lists shall be posted on the department's Internet website. The department shall indicate on the website whether the specialists are bonded and insured.

(b) Persons authorized to perform decontamination or contamination assessments must have knowledge and skill in the handling of toxic substances. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 specifying the requirements for persons authorized to perform decontamination and contamination assessments. Decontamination specialists shall be responsible for ensuring that all hazardous substances, toxic chemicals, or other hazardous waste products that may have been present are removed from the residential property and disposed of in accordance with federal, state, and local laws and regulations.

(2) In determining the level of contamination in a clandestine laboratory, the decontamination or contamination assessment specialist may request copies of any available law enforcement reports or information relating to the following:

(a) The length of time the residential property was used as a clandestine laboratory.

(b) The extent to which the residential property was exposed to chemicals used in clandestine laboratory activities.

(c) The chemical processes that were involved in the clandestine laboratory activities.

(d) The chemicals that were removed from the residential property.

(e) The location of the clandestine laboratory activities in relation to the habitable areas of the residential property.

(3) If the contamination assessment specialist determines that the residential property is not contaminated, the contamination assessment specialist shall prepare a certificate of fitness and submit the certificate to the department.

Section 59. Paragraph (s) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

Section 60. Paragraph (e) of subsection (1) of section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.--

(1) The department or the board may revoke or suspend the permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee who has:

(e) Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Section 61. Paragraph (c) of subsection (1) of section 856.015, Florida Statutes, is amended to read:

856.015 Open house parties.--

(1) Definitions.--As used in this section:

(c) "Drug" means a controlled substance, as that term is defined in ss. 893.02~~(4)~~ and 893.03.

Section 62. Subsection (6) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.--

(6) A mixture, as defined in s. 893.02~~(14)~~, containing any controlled substance described in this section includes, but is not limited to, a solution or a dosage unit, including but not limited to, a pill or tablet, containing a controlled substance. For the purpose of clarifying legislative intent regarding the weighing of a mixture containing a controlled substance described in this section, the weight of the controlled substance is the total weight of the mixture, including the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight of the controlled substance is calculated by aggregating the total weight of each mixture.

Section 63. Paragraph (a) of subsection (1) of section 944.47, Florida Statutes, is amended to read:

944.47 Introduction, removal, or possession of certain articles unlawful; penalty.--

(1)(a) Except through regular channels as authorized by the officer in charge of the correctional institution, it is unlawful to introduce into or upon the grounds of any state correctional institution, or to take or attempt to take or send or attempt to send therefrom, any of the following articles which are hereby declared to be contraband for the purposes of this section, to wit:

1. Any written or recorded communication or any currency or coin given or transmitted, or intended to be given or transmitted, to any inmate of any state correctional institution.

2. Any article of food or clothing given or transmitted, or intended to be given or transmitted, to any inmate of any state correctional institution.

3. Any intoxicating beverage or beverage which causes or may cause an intoxicating effect.

4. Any controlled substance as defined in s. 893.02~~(4)~~ or any prescription or nonprescription drug having a hypnotic, stimulating, or depressing effect.

5. Any firearm or weapon of any kind or any explosive substance.

Section 64. Subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.--

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of this act, to wit: Any written or recorded communication; any currency or coin; any article of food or clothing; any tobacco products as defined in s. 210.25(11); any cigarette as defined in s. 210.01(1); any cigar; any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02~~(4)~~; any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

Section 65. Paragraph (a) of subsection (1) of section 985.4046, Florida Statutes, is amended to read:

985.4046 Introduction, removal, or possession of certain articles unlawful; penalty.--

(1)(a) Except as authorized through program policy or operating procedure or as authorized by the facility superintendent, program director, or manager, a person may not introduce into or upon the grounds of a juvenile detention facility or commitment program, or take or send, or attempt to take or send, from a juvenile detention facility or commitment program, any of the following articles, which are declared to be contraband under this section:

1. Any unauthorized article of food or clothing.

2. Any intoxicating beverage or any beverage that causes or may cause an intoxicating effect.

3. Any controlled substance, as defined in s. 893.02~~(4)~~, or any prescription or nonprescription drug that has a hypnotic, stimulating, or depressing effect.

4. Any firearm or weapon of any kind or any explosive substance.

Section 66. Sections 403.7075, 403.756, 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida Statutes, are repealed.

Section 67. (1)(a) The Department of Environmental Protection shall conduct a study to determine the various sources of nitrogen input into the Wekiva River and associated springs contributing water to the river. The Department of Environmental Protection shall prepare a report recommending actions to be taken by the Department of Environmental Protection and the St. Johns Water Management District that will provide the best use of economic resources to reduce nitrogen input into the river and associated springs. The Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2007.

(b) The Department of Health shall contract with an independent entity for a study to determine the sources of nitrogen input from onsite sewage treatment and disposal systems into the Wekiva River and associated springs. The study shall measure the concentration of nitrates in the soil 10 feet and 20 feet below the drainfield of the onsite sewage treatment and disposal systems. The contract shall require the entity to submit a report to the Department of Health describing the locations of such sources and the nitrate amounts contributed by such sources and containing recommendations to reduce or eliminate nitrogen input from such sources. Rulemaking required by s. 369.318(2), Florida Statutes, shall be suspended until the completion of this study. The Department of Health shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2007.

(2) The Department of Health shall develop rules for a model proposal for the operation and maintenance of onsite sewage treatment and disposal systems within the Wekiva Study Area or the Wekiva River Protection Area. At a minimum, the rules shall require each property owner in the Wekiva Study Area or the Wekiva River Protection Area that has an onsite sewage treatment and disposal system to pump out the system at least once every 5 years.

(3) The sum of $250,000 is appropriated from the General Revenue Fund to the Department of Environmental Protection for the 2006-2007 fiscal year to be used by the department to conduct the study required under paragraph (1)(a).

(4) The sum of $250,000 is appropriated from the General Revenue Fund to the Department of Health for the 2006-2007 fiscal year to be used by the department to contract for the independent study required under paragraph (1)(b).

Section 68. In granting or denying a permit for wetland construction, a local government shall consider mitigation proposed by the applicant, provided the mitigation fully offsets the loss of wetland functions in accordance with the uniform mitigation assessment method adopted under s. 373.414(18), Florida Statutes.

Section 69. The Department of Environmental Protection shall require and collect a report from each water management district in the state on how much water is being extracted each month for resale in bottled water containers and submit a report of the findings to the Legislature by November 1, 2006.

Section 70. 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 environmental protection; 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; amending s. 403.413, F.S.; clarifying who is liable for dumping under the Florida Litter Law; amending s. 403.4131, F.S.; deleting the provisions relating to Keep Florida Beautiful, Inc.; providing that certain counties are encouraged to develop a regional approach to coordinating litter control and prevention programs; deleting certain requirements for a litter survey; placing the Wildflower Advisory Council under the control of the Department of Agriculture and Consumer Services; revising the duties of the council; amending s. 403.41315, F.S.; conforming provisions to changes made to the Keep Florida Beautiful, Inc., program; amending s. 403.4133, F.S.; placing the Adopt-a-Shore Program within the Department of Environmental Protection; amending s. 320.08058, F.S.; requiring that the proceeds of the fees paid for Wildflower license plates be distributed to the Department of Agriculture and Consumer Services; specifying uses of the proceeds; transferring the balance of such proceeds from Keep Florida Beautiful, Inc., to the Department of Agriculture and Consumer Services; amending s. 403.703, F.S.; reordering definitions in alphabetical order; clarifying certain definitions and deleting definitions that are not used; amending ss. 316.003, 377.709, and 487.048, F.S.; conforming cross-references; amending s. 403.704, F.S.; deleting certain obsolete provisions relating to the state solid waste management program; amending s. 403.7043, F.S.; deleting certain obsolete and conflicting provisions relating to compost standards; amending s. 403.7045, F.S.; providing that industrial byproducts are not regulated under certain circumstances; conforming a cross-reference; clarifying certain provisions governing dredged material; amending s. 403.707, F.S.; clarifying the Department of Environmental Preservation's permit authority; deleting certain obsolete provisions; creating s. 403.7071, F.S.; providing for the management and disposal of storm-generated debris; amending s. 403.708, F.S.; deleting obsolete provisions and clarifying certain provisions governing landfills; amending s. 403.709, F.S.; revising the provisions relating to the distribution of the waste tire fees; amending s. 403.7095, F.S., relating to the solid waste management grant program; conforming a cross-reference; amending s. 403.7125, F.S.; deleting certain definitions that appear elsewhere in law and clarifying certain financial-disclosure provisions with respect to the closure of a landfill; amending s. 403.716, F.S.; deleting certain provisions relating to the training of certain facility operators; amending s. 403.717, F.S.; clarifying the provisions relating to waste tires and the processing of waste tires; transferring, renumbering, and amending s. 403.7221, F.S.; increasing the duration of certain research, development, and demonstration permits; amending s. 403.201, F.S.; conforming a cross-reference; amending s. 403.722, F.S.; clarifying provisions relating to who is required to obtain certain hazardous waste permits; amending s. 403.7226, F.S.; deleting a provision requiring a report that is duplicative of other reports; amending s. 403.724, F.S.; clarifying certain financial-responsibility provisions; amending s. 403.7255, F.S.; providing additional requirements regarding the public notification of certain contaminated sites; amending s. 403.726, F.S.; authorizing the Department of Environmental Protection to issue an order to abate certain hazards; amending s. 403.7265, F.S.; requiring a local government to provide matching funds for certain grants; providing that matching funds are not required under certain conditions; amending s. 403.885, F.S.; revising grant program eligibility requirements for certain water management and restoration projects; eliminating requirements for certain funding and legislative review of such projects; amending s. 373.1961, F.S.; conforming a cross-reference; repealing s. 403.7075, F.S., relating to the submission of certain plans for solid waste management facilities; repealing s. 403.756, F.S., relating to an annual used-oil report; directing the department to require and collect certain reports from each water management district, and to submit such findings to the Legislature by a certain date; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an exception for the mooring of certain vessels to upland properties under certain circumstances; amending s. 893.02, F.S.; providing definitions; creating s. 893.121, F.S.; providing for quarantine of any residential property where illegal clandestine laboratory activities occurred; providing for establishment of a uniform notice and a uniform letter of notification; providing for posting of specified notice at the site of a quarantine; providing requirements for the sending of a specified letter of notification to a residential property owner or manager; providing for petitions by certain persons in circuit court to lift such quarantines under certain conditions; prohibiting specified violations relating to such quarantines; creating s. 893.122, F.S.; permitting demolition of quarantined residential property under certain conditions; providing immunity from health-based civil actions for residential property owners who have met specified clandestine laboratory decontamination standards as evidenced by specified documentation; providing an exception to such immunity for persons convicted of manufacturing controlled substances at the site; creating s. 893.123, F.S.; providing for rulemaking to adopt clandestine laboratory decontamination standards; providing for certificates of fitness to indicate that decontamination has been completed; providing requirements for the lifting of a quarantine upon demolition of the property; creating s. 893.124, F.S.; requiring the Department of Health to specify requirements for persons

authorized to perform decontamination and contamination assessments; requiring the department to compile and maintain lists of decontamination and contamination assessment specialists; providing responsibilities for decontamination specialists; permitting decontamination and contamination assessment specialists to request specified documents; providing for the issuance of certificates of fitness by contamination assessment specialists; amending ss. 465.016, 465.023, 856.015, 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming cross-references; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act; requiring the Department of Environmental Protection to conduct a study of the sources of nitrogen input into the Wekiva River and associated springs; requiring the Department of Health to contract for an independent study of the sources of nitrogen input from onsite sewage treatment and disposal systems into the Wekiva River and associated springs; requiring reports on such studies; providing report requirements; suspending certain department rulemaking until study completion; requiring the Department of Environmental Protection and the Department of Health to submit copies of the reports to the Legislature by a certain date; requiring the Department of Health to develop rules for a model proposal for the operation and maintenance of onsite sewage treatment and disposal systems in certain areas; specifying a rule criterion; providing appropriations; revising wetland mitigation regulations; providing an effective date.

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

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

CS for CS for SB 1080—A bill to be entitled An act relating to child protective services; amending s. 39.01, F.S.; revising definitions relating to child protective services; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules for sharing information contained in a child's case plan with the custodian and family services counselor; amending s. 39.013, F.S.; removing provisions relating to continuances; creating s. 39.0136, F.S.; providing for time limitations in child protective cases; providing exceptions; creating s. 39.0137; providing that state laws do not supersede certain federal laws; requiring the Department of Children and Family Services to adopt rules; creating s. 39.0138, F.S.; requiring the department to conduct a criminal history records check of any person being considered as a prospective foster parent; prohibiting a court from placing a child with a person if the person's criminal history records check shows that the person was convicted of certain specified felonies; requiring a person to disclose to the department pending criminal proceedings; providing that a court may review the granting or denial of the placement of a child based upon a criminal offense; providing that the person seeking placement of a child has the burden of setting forth evidence that he or she will not endanger the child if placement is allowed; amending s. 39.201, F.S.; requiring that any person who knows or suspects that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, must report this information to the central abuse hotline of the Department of Children and Family Services; amending s. 39.301, F.S.; providing that the department may rely upon a previous report to indicate that child abuse has occurred; redefining the term "criminal conduct" to include a child who is known or suspected to be a victim of human trafficking; requiring each child protective investigator to inform the person who is the subject of a child protective investigation that he or she has a duty to report any change in the residence or location of the child to the investigator and that the duty to report continues until the investigation is closed; providing that if the child has moved to a different residence or location, a report may be filed with a law enforcement agency under certain circumstances; amending 39.303, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; requiring that a shelter hearing order contain specified information relating to the availability of services to prevent removal from the home; amending s. 39.507, F.S.; requiring the court to inquire of the parents whether the parents have relatives who might be considered as a placement for the child; requiring that the court advise the parents that if they fail to comply with the case plan their parental rights may be terminated; amending s. 39.5085, F.S.; conforming provisions to changes made by the act; correcting cross-references; amending s. 39.521, F.S.; clarifying circumstances under which transferring custody to an adult relative must be considered; amending s. 39.522, F.S.; requiring the court to consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child in a postdisposition proceeding to modify custody; creating s. 39.6011, F.S.; providing procedures for drafting and implementing a case plan; requiring the department to prepare a case plan for each child receiving services from the department; requiring certain face-to-face meetings; creating s. 39.6012, F.S.; providing for case plan tasks and services; providing the content for the case plan; creating s. 39.6013, F.S.; providing for amendments to a case plan; describing the circumstance under which a case plan may be modified; amending s. 39.603, F.S.; requiring that case plans and amendments be approved by the court; amending s. 39.621, F.S.; declaring that time is of the essence for a child in the dependency system; providing prehearing procedures; providing for permanency hearings; directing the court to make certain findings at the permanency hearing; creating s. 39.6221, F.S.; providing for the permanent guardianship for a dependent child; authorizing the court to consider a permanent guardian as a long-term option for a dependent child; requiring a written order; providing for the contents of the permanent guardianship order; creating s. 39.6231, F.S.; providing for placement with a fit and willing relative; requiring the court to specify the reasons to place a child with a relative; providing for the department to supervise the placement for a specified time period; creating s. 39.6241, F.S.; authorizing the court to place a child in another planned permanent living arrangement under certain circumstances; amending s. 39.701, F.S.; requiring that a child's current health and education records be included in the documentation for the judicial review report; requiring the court to conduct a judicial review 6 months after the child was placed in shelter care; creating s. 39.8055, F.S.; requiring the department to file a petition or to join in a petition to terminate parental rights within a specified number of days under certain circumstances; providing exceptions; providing examples of compelling reasons for the department not to file or to join a petition to terminate parental rights; authorizing the court to review the decision by the department for not filing or joining a petition for termination of parental rights; amending s. 39.806, F.S.; authorizing a material breach of the case plan as a ground to terminate parental rights; requiring that the department show, and the court find, the material breach by clear and convincing evidence; amending s. 39.810, F.S.; providing certain factors for the court to consider for the best interest of the child; amending s. 39.811, F.S.; conforming provisions to changes made by the act; amending ss. 39.0015, 39.205, 39.302, 39.828, 63.092, and 419.001, F.S.; correcting cross-references; reenacting s. 39.802(5), F.S., relating to the filing of a petition to terminate parental rights, to incorporate the amendments made to s. 39.806, F.S., in a reference thereto; repealing ss. 39.601, 39.622, 39.623, 39.624, 39.703, and 435.045, F.S., relating to case plan requirements, long-term custody of a dependent child, long-term licensed custody of a dependent child, independent living, the initiation of termination of parental rights proceedings, and background screening of certain persons before a dependent child is placed in their home, respectively; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on point of order by Rep. Cusack, under Rule 12.8, on Amendment 1 by Rep. Kyle.

Subsequently, Rep. Cusack withdrew the point of order.

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

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

CS for SB 1590—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer to

elect to forego the collection allowance and direct that the collection allowance be transferred to the Educational Enhancement Trust Fund, to be distributed to school districts as specified; providing exceptions; providing for rulemaking by the Department of Revenue; providing an appropriation; providing for costs recovery; requiring that the Department of Revenue report collection information to the Department of Education; providing an effective date.

—was read the second time by title.

On motion by Rep. Gottlieb, CS for SB 1590 was substituted for HB 987. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 614125)

Amendment 1—On page 4, remove lines 19 and 20, and insert:
the school district will match 100 percent of the funds received to purchase up-to-date technology for the classrooms in the district and that

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

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

CS for SB 1838—A bill to be entitled An act relating to pharmacy common databases; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; providing an effective date.

—was read the second time by title.

On motion by Rep. Traviesa, CS for SB 1838 was substituted for HB 903. Under Rule 5.14, the House bill was laid on the table.

The Health & Families Council offered the following:

(Amendment Bar Code: 520641)

Amendment 1 (with title amendment)—On page 2, line 14, through page 3, line 19
remove: all of said lines

and insert:
465.0266 Common database.--Nothing contained in this chapter shall be construed to prohibit the dispensing by a pharmacist licensed in this state or another state of a prescription contained in a common database, and such dispensing shall not constitute a transfer as defined in s. 465.026(1)–(6), provided that the following conditions are met:
(1) All pharmacies involved in the transactions pursuant to which the prescription is dispensed are under common ownership and utilize a common database.
(2) All pharmacies involved in the transactions pursuant to which the prescription is dispensed and all pharmacists engaging in dispensing functions are properly licensed, permitted, or registered in this state or another state.
(3) The common database maintains a record of all pharmacists involved in the process of dispensing a prescription.
(4) The owner of the common database maintains a policy and procedures manual that governs its participating pharmacies, pharmacists, and pharmacy employees and that is available to the board or its agent upon request. The policy and procedures manual shall include the following information:
(a) A best practices model detailing how each pharmacy and each pharmacist accessing the common database will comply with applicable federal and state laws, rules, and regulations.
(b) The procedure for maintaining appropriate records for regulatory oversight for tracking a prescription during each stage of the filling and dispensing process, identifying the pharmacists involved in filling and dispensing the prescription and counseling the patient, and responding to any requests for information made by the board under s. 465.0156.
(c) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information.
(d) A quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care through the use of the common database.

Any pharmacist dispensing a prescription has at all times the right and obligation to exercise his or her independent professional judgment. Notwithstanding other provisions in this section, no pharmacist licensed in this state participating in the dispensing of a prescription pursuant to this section shall be responsible for the acts and omissions of another person participating in the dispensing process provided such person is not under the direct supervision and control of the pharmacist licensed in this state.

======== T I T L E A M E N D M E N T ========
On page 1, line(s) 8-10,
remove: all of said lines

and insert:
dispensing of a prescription contained in a common database under specified conditions; providing requirements for a policy and procedures manual that governs pharmacies, pharmacists, and pharmacy employees participating in a pharmacy common database; providing for the rights and obligations of pharmacists dispensing prescriptions; providing an effective

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

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

Representative Bean offered the following:

(Amendment Bar Code: 569961)

Amendment 2 (with title amendment)—On page 3, between lines 19 and 20,

insert:
Section 3. Subsection (29) of section 499.005, Florida Statutes, is amended to read:
499.005 Prohibited acts.--It is unlawful for a person to perform or cause the performance of any of the following acts in this state:
(29) The receipt of a prescription drug pursuant to a wholesale distribution without either first receiving a pedigree paper that was attested to as accurate and complete by the wholesale distributor or complying with the provisions of s. 499.0121(6)(f)6.
Section 4. Paragraph (f) of subsection (6) of section 499.0121, Florida Statutes, is amended to read:
499.0121 Storage and handling of prescription drugs; recordkeeping.--The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.
(6) RECORDKEEPING.--The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.
(f)1. Effective July 1, 2006, each person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug must, before each wholesale distribution of such drug, provide to the person who receives the drug a pedigree paper as defined in s. 499.003(31).
2. A repackager must comply with this paragraph.

3. The pedigree paper requirements in this paragraph do not apply to compressed medical gases or veterinary legend drugs.

4. Each wholesale distributor of prescription drugs must maintain separate and distinct from other required records all statements that are required under subparagraph 1.

5. In order to verify compliance with subparagraph (d)1., each manufacturer of a prescription drug sold in this state must make available upon request distribution documentation related to its sales of prescription drugs, regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

6. The requirement of subparagraph 1. is satisfied when a wholesale distributor takes title to, but not possession of, a prescription drug and the prescription drug's manufacturer ships the prescription drug directly to a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug, as defined under s. 465.003, or a member of an affiliated group, as described in paragraph (h), except a repackager.

a. The wholesale distributor must deliver to the recipient of the prescription drug, within 14 days after the shipment notification from the manufacturer, an invoice and a sworn statement that "This wholesale distributor purchased the specific unit of the prescription drug listed in the invoice directly from the manufacturer and the specific unit of prescription drug was shipped by the manufacturer directly to a person authorized by law to administer or dispense the legend drug pursuant to s. 465.003, Florida Statutes, or a member of an affiliated group, as described in s. 499.0121(6)(h), Florida Statutes, except a repackager." The invoice must contain a unique cross-reference to the shipping document sent by the manufacturer to the recipient of the prescription drug.

b. The recipient of the prescription drug must acquire, within 14 days after receipt of the prescription drug, a shipping document from the manufacturer that contains, at a minimum:

(I) The name and address of the manufacturer, including the point of origin of the shipment; the wholesaler; and such purchaser.

(II) The name of the prescription drug as it appears on the label.

(III) The quantity, dosage form, and strength of the prescription drug.

(IV) The date of the shipment from the manufacturer.

The wholesale distributor must also maintain and make available to the department, upon request, the lot number of the prescription drug if the lot number is not contained in the shipping document acquired by the recipient.

7. Failure of the recipient to acquire, or the wholesale distributor to deliver, the documentation required under subparagraph 6. shall constitute failure to acquire or deliver a pedigree paper under s. 499.0051. Forgery by recipient or the wholesale distributor of the documentation required to be acquired or delivered under subparagraph 6. shall constitute forgery of a pedigree paper under s. 499.0051.

8. The department may by rule define alternatives to compliance with subparagraph 1. for a prescription drug in the inventory of a permitted prescription drug wholesaler as of June 30, 2006, and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

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

On page 1, lines 2-10,
remove: all of said lines

and insert:
An act relating to pharmacy; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; amending s. 499.005, F.S.; revising a prohibition relating to pedigree papers; amending s. 499.0121, F.S.; requiring certain wholesale distributors taking title to a prescription drug to provide an invoice to the purchaser containing certain information; requiring a recipient of a prescription drug to acquire from the manufacturer a shipping document containing specified information; requiring a wholesale distributor to make certain information available to the department; providing for penalties; authorizing the department to adopt certain rules relating to the inventory and return of certain prescription drugs; providing an effective

Rep. Bean moved the adoption of the amendment.

Point of Order

Rep. Homan 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 2** to **CS for SB 1838**, stated that 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 out of order.

Amendment Bar Code 783533, not allowed for introduction earlier today, was taken up, the amendment having been timely filed.

Representative(s) Traviesa offered the following:

(Amendment Bar Code: 783533)

Amendment 3 (with title amendment)—On page 3, between line(s) 19 and 20,
insert:

Section 3. Subsection (7) of section 1002.23, Florida Statutes, is amended to read:

1002.23 Family and School Partnership for Student Achievement Act.--

(7) Each school district shall develop and disseminate a parent guide to successful student achievement, consistent with the guidelines of the Department of Education, which addresses what parents need to know about their child's educational progress and how parents can help their child to succeed in school. The guide must:

(a) Be understandable to students and parents;

(b) Be distributed to all parents, students, and school personnel at the beginning of each school year;

(c) Be discussed at the beginning of each school year in meetings of students, parents, and teachers; ~~and~~

(d) Include information concerning services, opportunities, choices, academic standards, and student assessment; and

(e) Provide detailed information regarding the causes, symptoms, and transmission of meningococcal disease and the availability, effectiveness, known contraindications, and appropriate age for the administration of any required or recommended vaccine against meningococcal disease, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention.

The parent guide may be included as a part of the code of student conduct that is required in s. 1006.07(2).

Section 4. Subsection (6) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.--

(6) IMMUNIZATIONS.--The governing authority of each private school shall:

(a) Require students to present a certification of immunization in accordance with the provisions of s. 1003.22(3)-(11).

(b) Provide detailed information regarding the causes, symptoms, and transmission of meningococcal disease and the availability, effectiveness, known contraindications, and appropriate age for the administration of any required or recommended vaccine against meningococcal disease, in accordance with the recommendations of the Advisory Committee on

Immunization Practices of the United States Centers for Disease Control and Prevention.

======== T I T L E A M E N D M E N T ========
On page 1, line(s) 2-10,
remove: all of said lines

and insert:
An act relating to pharmaceuticals; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; amending s. 1002.23, F.S.; requiring departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information, including information regarding meningococcal disease; amending s. 1002.42, F.S.; requiring the governing authority of each private school to provide certain health information, including information regarding meningococcal disease; providing an effective

Rep. Traviesa moved the adoption of the amendment.

Point of Order

Rep. Homan 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 3** to **CS for SB 1838**, stated that the the amendment expanded the scope of the bill and recommended that the point be well taken.

The Chair [Speaker Bense], upon recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

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

CS for CS for SB 1774—A bill to be entitled An act relating to building codes; authorizing the Florida Building Commission to update and modify the standard for wind design; expressly superseding a provision; amending s. 399.15, F.S.; revising the dates by which the elevators in certain buildings must be keyed to allow regional emergency elevator access; amending s. 553.71, F.S.; deleting the definition of "exposure category C"; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt certain limited amendments to the Florida Building Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret or review the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services under certain circumstances; amending s. 633.0215, F.S.; authorizing the State Fire Marshal to adopt certain limited amendments of the Florida Fire Prevention Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; deleting a provision authorizing approval of certain technical amendments to the Florida Fire Prevention Code, notwithstanding the 3-year update cycle; amending s. 633.021, F.S.; defining the term "fire hydrant" for the purpose of the Florida Fire Prevention Code; amending s. 633.082, F.S.; providing for the inspection of fire hydrants by the State Fire Marshal; requiring that each fire hydrant be opened fully at least once each year to clear foreign materials in the system; providing that a fire hydrant made nonfunctional by the closing of a water supply valve must immediately be tagged with a red tag that is boldly marked "nonfunctional"; repealing s. 633.5391, F.S., relating to backflow prevention assembly inspection; providing an effective date.

—was read the second time by title.

On motion by Rep. Murzin, CS for CS for SB 1774 was substituted for HB 1187. Under Rule 5.14, the House bill was laid on the table.

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

SB 1948—A bill to be entitled An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; providing that failure to deliver a disclosure, affidavit, or survey does not create a right of rescission or impair title to the property; providing an effective date.

—was read the second time by title.

On motion by Rep. Mayfield, SB 1948 was substituted for HB 1621. Under Rule 5.14, the House bill was laid on the table.

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

CS for CS for SB 214—A bill to be entitled An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term "dart-firing stun gun" for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term "remote stun gun"; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; requiring a school resource officer or law enforcement officer to make certain reports concerning the use of a dart-firing stun gun; requiring the Department of Law Enforcement to maintain the reports and provide them to the Department of Health upon request; requiring the Department of Health to conduct an ongoing study of the medical effects concerning certain uses of dart-firing stun guns; requiring a report to the Legislature; providing an effective date.

—was read the second time by title.

On motion by Rep. Kravitz, CS for CS for SB 214 was substituted for HB 303. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Kravitz offered the following:

(Amendment Bar Code: 973017)

Amendment 1 (with title amendment)—On page 5, line 21, through page 6, line 11,
remove: all of said lines

======== T I T L E A M E N D M E N T ========
On page 1, line 31, through page 2, line 9,
remove: all of said lines

and insert: certain officers;

Rep. Kravitz moved the adoption of the amendment.

Further consideration of **CS for CS for SB 214**, with pending amendment, was temporarily postponed.

Consideration of **SB 2434** was temporarily postponed.

CS for CS for SB's 716 & 2660—A bill to be entitled An act relating to campaign finance; amending s. 106.011, F.S.; redefining the terms "political committee," "contribution," "expenditure," "communications media," and "electioneering communication"; defining the term "electioneering communications organization"; amending s. 106.022, F.S.; conforming a reference to an electioneering communications organization; amending s. 106.03, F.S.; revising the registration requirements for political committees and electioneering communications organizations; creating s. 106.0701; establishing campaign finance reporting requirements for certain officers and candidates soliciting contributions for certain committees and organizations; providing definitions; providing penalties; creating s. 106.0703, F.S.; establishing campaign finance reporting requirements for electioneering communications organizations; amending s. 106.0705, F.S.; incorporating the new campaign finance reporting requirements for electioneering communications organizations into the Department of State's electronic campaign finance reporting system; amending s. 106.08, F.S.; prohibiting the use of certain contributions received by an electioneering communications organization proximate to an election; limiting contributions to certain committees of continuous existence, electioneering communications organizations, and tax-exempt organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4); reenacting ss. 106.07, 106.08(8), and 106.19, F.S., relating to reports, certification and filing, and penalty provisions, to incorporate the amendments made by this act to ss. 106.03 and 106.08, F.S., in references thereto; providing effective dates.

—was read the second time by title.

On motion by Rep. Reagan, CS for CS for SB's 716 & 2660 was substituted for HB 7221. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Reagan offered the following:

(Amendment Bar Code: 374401)

Amendment 1 (with title amendment)—On page 13, line 5, to page 26, line 31,
remove: all of said lines,

and insert:

Section 4. Paragraph (c) of subsection (4) of section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.--

(4)

(c) All committees of continuous existence shall file ~~the original and one copy of~~ their reports with the Division of Elections. ~~In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor.~~ Reports shall be filed in accordance with s. 106.0705 ~~on forms provided by the division~~ and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions, including contributions that represent the payment of membership dues, to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less, the occupation of the contributor or principal type of business need not be listed. However, for any contributions that represent the payment of dues by members in a fixed amount aggregating no more than $250 per calendar year, pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

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

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

5. The full name and address of each person to whom expenditures have been made by or on behalf of the committee within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address, and office sought by, each candidate on whose behalf such expenditure was made.

6. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made, including the full name and address of each entity to whom the person made payment for which reimbursement was made by check drawn upon the committee account, together with the amount and purpose of such payment.

7. Transaction information from each credit card statement that will be included in the next report following receipt thereof by the committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the committee account.

8.~~6.~~ The total sum of expenditures made by the committee during the reporting period.

Section 5. Paragraph (a) of subsection (2) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.--

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. ~~In addition, a copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides.~~ Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

Section 6. Section 106.0701, Florida Statutes, is created to read:

106.0701 Solicitation of contributions and disclosure; registration.--

(1)(a) The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, which such persons, in whole or in part, establish, maintain, or control, shall file a statement with the Division of Elections within 5 days after commencing such activity on behalf of the organization. Such statement shall contain the following information:

1. The name of the person acting on behalf of the organization.

2. The name and type of the organization.

3. A description of the relationship between the person and the organization.

(b) Failure to timely file the statement shall subject the person to a civil penalty of $50 per day for each late day, payable from the personal funds of the violator.

(c) Upon filing a statement with the Division of Elections, a person subject to the requirements of paragraph (a) shall promptly create a public website that contains a mission statement and the names of persons associated with the organization. The address of the website shall be reported to the division within 5 business days after the website is created.

(d) All contributions received shall be disclosed on the website within 5 business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within 5 business days after being made.

(2) The requirements of subsection (1) do not apply to a person acting on behalf of his or her own campaign or a political party of which the person is a member.

Section 7. Section 106.0703, Florida Statutes, is created to read:

106.0703 Electioneering communications organizations; additional reporting requirements.--In addition to the reporting requirements in s. 106.07, an electioneering communications organization shall, within 2 days after receiving its initial password or secure sign-on from the Department of State allowing confidential access to the department's electronic campaign finance filing system, electronically file the periodic campaign finance reports that would have been required pursuant to s. 106.07 for reportable activities that occurred since the date of the last general election.

Section 8. Paragraph (b) of subsection (2) of section 106.0705, Florida Statutes, is amended to read:

106.0705 Electronic filing of campaign treasurer's reports.--

(2)

(b) Each political committee, committee of continuous existence, electioneering communications organization, or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

Section 9. Subsections (4) and (7) of section 106.08, Florida Statutes, are amended, paragraph (d) is added to subsection (5) of that section, and subsection (8) of that section is reenacted, to read:

106.08 Contributions; limitations on.--

(4)(a) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

(b) Any contribution received by an electioneering communications organization on the day of an election or less than 5 days prior to the day of that election may not be obligated or expended by the organization until after the date of the election and may not be expended to pay for any obligation arising prior to the election.

(5)

(d) An electioneering communications organization may not accept a contribution from an organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other than a political committee, committee of continuous existence, or political party, unless the contributing organization has registered as if the organization were an electioneering communications organization pursuant to s. 106.03 and has filed all campaign finance reports required of electioneering communications organizations pursuant to ss. 106.07 and 106.0703.

(7)(a) Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, ~~or~~ committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, political committee, ~~or~~ committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, ~~or~~ committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $10,000 and not more than $50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, ~~or~~ political party, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

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

On page 1, line 14, to page 2, line 4,
remove: all of said lines,

and insert:
amending s. 106.04, F.S.; revising certain filing requirements and reporting requirements for committees of continuous existence; amending s. 106.07, F.S.; deleting a report filing requirement for certain candidates for other than statewide office; creating s. 106.0701; establishing campaign finance reporting requirements for certain officers and candidates soliciting contributions for certain committees and organizations; providing definitions; providing a civil penalty; providing for nonapplication to certain persons; creating s. 106.0703, F.S.; establishing campaign finance reporting requirements for electioneering communications organizations; amending s. 106.0705, F.S.; incorporating the new campaign finance reporting requirements for electioneering communications organizations into the Department of State's electronic campaign finance reporting system; amending s. 106.08, F.S.; prohibiting the use of certain contributions received by an electioneering communications organization proximate to an election; limiting contributions to certain committees of continuous existence, electioneering communications organizations, and tax-exempt organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4); providing criminal penalties; reenacting ss.

Rep. Reagan moved the adoption of the amendment.

On motion by Rep. Goodlette, further consideration of CS for CS for SB's 716 & 2660, with pending amendment, was temporarily postponed and placed on Unfinished Business.

CS for CS for CS for SB 888—A bill to be entitled An act relating to energy; creating the Florida Energy Commission, which is located within the

Office of Legislative Services for administrative purposes; providing for the membership of the commission; providing for appointment, terms of office, and qualifications of members; providing for voting members to be reimbursed for per diem and travel expenses; providing for meetings of the commission; authorizing the commission to employ staff; requiring that the commission develop policy recommendations; requiring an annual report to the Legislature; requiring a study and a report to the Governor and Legislature concerning the electric transmission grid; creating s. 377.801, F.S.; creating the "Florida Renewable Energy Technologies and Energy Efficiency Act"; creating s. 377.802, F.S.; stating the purpose of the act; creating s. 377.803, F.S.; providing definitions; creating s. 377.804, F.S.; creating the Renewable Energy Technologies Grants Program; providing program requirements and procedures, including matching funds; requiring the Department of Environmental Protection to coordinate with the Department of Agriculture and Consumer Services; requiring joint departmental approval for the funding of any bioenergy project; creating s. 377.805, F.S.; creating the Energy Efficient Appliance Rebate Program; providing program requirements, procedures, and limitations; creating s. 377.8055, F.S.; providing a sales tax holiday for energy efficient products; providing for rules; creating s. 377.806, F.S.; creating the Solar Energy System Incentives Program; providing definitions; creating the solar photovoltaic incentive program; providing eligibility requirements; providing rebate amounts; creating the solar thermal incentive program; providing for eligibility; providing rebate amounts; providing rulemaking authority to the Public Service Commission; requiring the Florida Solar Energy Center to certify the performance of solar equipment sold and installed in the state; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel" and "ethanol"; providing tax exemptions for the sale or use of certain energy efficient products; providing eligibility requirements and tax credit limits; directing the department to adopt rules; directing the department to determine and publish certain information relating to such exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; amending s. 220.13, F.S.; providing an addition to the definition of "adjusted federal income"; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; amending s. 403.503, F.S.; revising and providing definitions applicable to the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; providing the Department of Environmental Protection with additional powers and duties relating to the Florida Electrical Power Plant Siting Act; amending s. 403.5055, F.S.; revising provisions for certain permits associated with applications for electrical power plant certification; amending s. 403.506, F.S.; revising provisions relating to applicability and certification of certain power plants; amending s. 403.5064, F.S.; revising provisions for distribution of applications and schedules relating to certification; amending s. 403.5065, F.S.; revising provisions relating to the appointment of administrative law judges; amending s. 403.5066, F.S.; revising provisions relating to the determination of completeness for certain applications; creating s. 403.50663, F.S.; authorizing certain local governments and regional planning councils to hold an informational public meeting; providing requirements and procedures therefor; creating s. 403.50665, F.S.; requiring local governments to file certain land use determinations; providing requirements and procedures therefor; repealing s. 403.5067, F.S.; relating to the determination of sufficiency for certain applications; amending s. 403.507, F.S.; revising required statement provisions for affected agencies; amending s. 403.508, F.S.; revising provisions related to land use and certification proceedings; requiring certain notice; amending s. 403.509, F.S.; revising provisions related to the final disposition of certain applications; providing requirements and provisions with respect thereto; amending s. 403.511, F.S.; revising provisions related to the effect of certification for the construction and operation of proposed power plants; providing that issuance of certification meets certain consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities related to power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies to of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals related to power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for power plant sites; amending s. 403.517, F.S.; revising the provisions relating to supplemental applications for certain power plant sites; amending s. 403.5175, F.S.; revising provisions relating to existing power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish rules for determination of certain fees; eliminating certain operational license fees; providing that applications for power plant certification be processed under laws applicable at the time the application is filed; providing exceptions; amending s. 403.519, F.S.; directing the Public Service Commission to consider fuel diversity and reliability in certain determinations; providing for determination of need for nuclear power plants; providing an exemption from purchased power supply bid rule; creating s. 366.93, F.S.; providing definitions; requiring the Public Service Commission to implement rules related to nuclear power plant cost recovery; requiring a report; amending s. 403.52, F.S.; changing the short title to the "Florida Electric Transmission Line Siting Act"; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining the terms "licensee" and "maintenance and access roads"; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; revising provisions for notice by an electric utility of its intent to construct an exempt transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of filing an application for certification and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to provide notice of filing the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for the statement to notify the department whether the information will be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to

the department and the applicant; revising criteria for the Department of Community Affairs' report; requiring the Department of Transportation, the Public Service Commission, and any other affected agency to prepare a project report; revising required content of the report; providing for notice of any nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need is a condition precedent to further processing of the application; requiring that the department prepare a project analysis to be filed with the administrative law judge and served on all parties within a certain time; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public-hearing portion of the certification hearing, the order of presentations at the hearing, and consideration of certain communications by the administrative law judge; requiring the applicant to pay certain expenses and costs; requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain time; requiring the Department of Transportation to be a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; requiring the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain time; providing for a determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; requiring that agencies file reports with the applicant and the department which address the proposed alternate corridor; requiring that the department file with the administrative law judge, the applicant, and all parties a project analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor has the burden of proof concerning the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.528, F.S.; providing that a comprehensive application encompassing more than one proposed transmission line may be good cause for altering established time limits; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; amending s. 403.5315, F.S.; revising the circumstances under which a certification may be modified after the certification has been issued; providing for procedures if objections are raised to the proposed modification; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission in order to determine the need for a transmission line; providing that the commission is the sole forum in which to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology to changes made by the act; repealing ss. 403.5253 and 403.5369, F.S., relating to determination of sufficiency of application or amendment to the application and the application of the act to applications filed before a certain date; requiring a report to the Governor and Legislature; providing appropriations; providing an effective date.

—was read the second time by title.

On motion by Rep. Hasner, CS for CS for CS for SB 888 was substituted for HB 1473. Under Rule 5.14, the House bill was laid on the table.

THE SPEAKER PRO TEMPORE IN THE CHAIR

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

Representative Hasner offered the following:

(Amendment Bar Code: 413029)

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

Section 1. Legislative findings and intent.--The Legislature finds that advancing the development of renewable energy technologies and energy efficiency is important for the state's future, its energy stability, and the protection of its citizens' public health and its environment. The Legislature finds that the development of renewable energy technologies and energy efficiency in the state will help to reduce demand for foreign fuels, promote energy diversity, enhance system reliability, reduce pollution, educate the public on the promise of renewable energy technologies, and promote economic growth. The Legislature finds that there is a need to assist in the development of market demand that will advance the commercialization and widespread application of renewable energy technologies. The Legislature further finds that the state is ideally positioned to stimulate economic development through such renewable energy technologies due to its ongoing and successful research and development track record in these areas, an abundance of natural and renewable energy sources, an ability to attract significant federal research and development funds, and the need to find and secure renewable energy technologies for the benefit of its citizens, visitors, and environment.

Section 2. Section 377.801, Florida Statutes, is created to read:

377.801 Short title.--Sections 377.801-377.806 may be cited as the "Florida Renewable Energy Technologies and Energy Efficiency Act."

Section 3. Section 377.802, Florida Statutes, is created to read:

377.802 Purpose.--This act is intended to provide matching grants to stimulate capital investment in the state and to enhance the market for and promote the statewide utilization of renewable energy technologies. The targeted grants program is designed to advance the already growing establishment of renewable energy technologies in the state and encourage the use of other incentives such as tax exemptions and regulatory certainty to attract additional renewable energy technology producers, developers, and users to the state. This act is also intended to provide incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings.

Section 4. Section 377.803, Florida Statutes, is created to read:

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

(1) "Act" means the Florida Renewable Energy Technologies and Energy Efficiency Act.

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

(3) "Commission" means the Florida Public Service Commission.

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

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

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

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

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

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

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

Section 5. Section 377.804, Florida Statutes, is created to read:

377.804 Renewable Energy Technologies Grants Program.--

(1) The Renewable Energy Technologies Grants Program is established within the department to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies.

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

(a) Municipalities and county governments.

(b) Established for-profit companies licensed to do business in the state.

(c) Universities and colleges in the state.

(d) Utilities located and operating within the state.

(e) Not-for-profit organizations.

(f) Other qualified persons, as determined by the department.

(3) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

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

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

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

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

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

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

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

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

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

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

(k) The degree of public visibility and interaction.

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

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

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

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

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

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

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

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

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

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

Section 6. The period from 12:01 a.m., October 5, through midnight, October 11, 2006, shall be designated "Energy Efficient Week," and the tax levied under chapter 212 may not be collected on the sale of a new energy-efficient product having a selling price of $1,500 or less per product during that period. This exemption applies only when the energy-efficient product is purchased for noncommercial home or personal use and does not apply when the product is purchased for trade, business, or resale. As used in this section, the term "energy-efficient product" means a dishwasher, clothes washer, air conditioner, ceiling fan, incandescent or florescent light bulb, dehumidifier, programmable thermostat, or refrigerator that has been designated by the United States Environmental Protection Agency or by the United States Department of Energy as meeting or exceeding the requirements under the Energy Star Program of either agency. Purchases made under this section may not be made using a business or company credit or debit card or check. Any construction company, building contractor, or commercial business or entity that purchases or attempts to purchase the energy-efficient products as exempt under this section commits an unfair method of competition in violation of s. 501.204, punishable as provided in s. 501.2075. The Department of Revenue may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 7. Section 377.806, Florida Statutes, is created to read:

377.806 Solar Energy System Incentives Program.--

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

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

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

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

2. The system complies with state interconnection standards as provided by the commission.

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

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

1. Twenty thousand dollars for a residence.

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

(3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

1. The system is installed by a state-licensed solar or plumbing contractor.

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

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

1. Five hundred dollars for a residence.

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

(4) SOLAR THERMAL POOL HEATER INCENTIVE.--

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

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

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

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

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

Section 8. Section 377.901, Florida Statutes, is created to read:

377.901 Florida Energy Council.--

(1) The Florida Energy Council is created within the Department of Environmental Protection to provide advice and counsel to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the energy policy of the state. The council shall advise the state on current and projected energy issues, including, but not limited to, transportation, generation, transmission, distributed generation, fuel supply issues, emerging technologies, efficiency, and conservation. In developing its recommendations, the council shall be guided by the principles of reliability, efficiency, affordability, and diversity.

(2)(a) The council shall be comprised of a diversity of stakeholders and may include utility providers, alternative energy providers, researchers, environmental scientists, fuel suppliers, technology manufacturers, persons representing environmental, consumer, and public health interests, and others.

(b) The council shall consist of nine voting members as follows:

1. The Secretary of Environmental Protection, or his or her designee, who shall serve as chair of the council.

2. The chair of the Public Service Commission, or his or her designee, who shall serve as vice chair of the council.

3. One member shall be the Commissioner of Agriculture, or his or her designee.

4. Two members who shall be appointed by the Governor.

5. Two members who shall be appointed by the President of the Senate.

6. Two members who shall be appointed by the Speaker of the House of Representatives.

(c) All initial members shall be appointed prior to September 1, 2006. Appointments made by the Governor, the President of the Senate, and the Speaker of the House of Representatives shall be for terms of 2 years each. Members shall serve until their successors are appointed. Vacancies shall be filled in the manner of the original appointment for the remainder of the term that is vacated.

(d) Members shall serve without compensation but are entitled to reimbursement for travel expenses and per diem related to council duties and responsibilities pursuant to s. 112.061.

(3) The Department of Environmental Protection shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recording shall be preserved pursuant to chapters 119 and 257.

(4) The Department of Environmental Protection may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 9. Paragraph (ccc) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ccc) Equipment, machinery, and other materials for renewable energy technologies.--

1. As used in this paragraph, the term:

a. "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Biodiesel may refer to biodiesel blends designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

b. "Ethanol" means nominally anhydrous denatured alcohol produced by the fermentation of plant sugars meeting the specifications for fuel ethanol and fuel ethanol blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Ethanol may refer to fuel ethanol blends designated EXX, where XX represents the volume percentage of fuel ethanol in the blend.

c. "Hydrogen fuel cells" means equipment using hydrogen or a hydrogen-rich fuel in an electrochemical process to generate energy, electricity, or the transfer of heat.

2. The sale or use of the following in the state is exempt from the tax imposed by this chapter:

a. Hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, up to a limit of $2 million in tax each state fiscal year for all taxpayers.

b. Commercial stationary hydrogen fuel cells, up to a limit of $1 million in tax each state fiscal year for all taxpayers.

c. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-100), including fueling infrastructure, transportation, and storage, up to a limit of $1 million in tax each state fiscal year for all taxpayers. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify for the exemption provided in this sub-subparagraph.

3. The Department of Environmental Protection shall provide to the department a list of items eligible for the exemption provided in this paragraph.

4.a. The exemption provided in this paragraph shall be available to a purchaser only through a refund of previously paid taxes.

b. To be eligible to receive the exemption provided in this paragraph, a purchaser shall file an application with the Department of Environmental Protection. The application shall be developed by the Department of Environmental Protection, in consultation with the department, and shall require:

(I) The name and address of the person claiming the refund.

(II) A specific description of the purchase for which a refund is sought, including, when applicable, a serial number or other permanent identification number.

(III) The sales invoice or other proof of purchase showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

(IV) A sworn statement that the information provided is accurate and that the requirements of this paragraph have been met.

c. Within 30 days after receipt of an application, the Department of Environmental Protection shall review the application and shall notify the applicant of any deficiencies. Upon receipt of a completed application, the Department of Environmental Protection shall evaluate the application for exemption and issue a written certification that the applicant is eligible for a refund or issue a written denial of such certification within 60 days after receipt of the application. The Department of Environmental Protection shall provide the department with a copy of each certification issued upon approval of an application.

d. Each certified applicant shall be responsible for forwarding a certified copy of the application and copies of all required documentation to the department within 6 months after certification by the Department of Environmental Protection.

e. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department.

f. The department may adopt all rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph, including rules establishing forms and procedures for claiming this exemption.

g. The Department of Environmental Protection shall be responsible for ensuring that the total amounts of the exemptions authorized do not exceed the limits as specified in subparagraph 2.

5. The Department of Environmental Protection shall determine and publish on a regular basis the amount of sales tax funds remaining in each fiscal year.

6. This paragraph expires July 1, 2010.

Section 10. Paragraph (y) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.--

(7) Notwithstanding any other provision of this section, the department may provide:

(y) Information relative to ss. 212.08(7)(ccc) and 220.192 to the Department of Environmental Protection for use in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 11. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.--

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, ~~and~~ those enumerated in s. 220.187, and those enumerated in ss. 220.192.

Section 12. Section 220.192, Florida Statutes, is created to read:

220.192 Renewable energy technologies investment tax credit.--

(1) DEFINITIONS.--For purposes of this section, the term:

(a) "Biodiesel" means biodiesel as defined in s. 212.08(7)(ccc).

(b) "Eligible costs" means:

1. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $3 million per state fiscal year for all taxpayers, in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.

2. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $1.5 million per state fiscal year for all taxpayers, and limited to a maximum of $12,000 per fuel cell, in connection with an investment in commercial stationary hydrogen fuel cells in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.

3. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $6.5 million per state fiscal year for all taxpayers, in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state, including the costs of constructing, installing, and equipping such technologies in the state. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify as an eligible cost under this subparagraph.

(c) "Ethanol" means ethanol as defined in s. 212.08(7)(ccc).

(d) "Hydrogen fuel cell" means hydrogen fuel cell as defined in s. 212.08(7)(ccc).

(2) TAX CREDIT.--For tax years beginning on or after January 1, 2007, a credit against the tax imposed by this chapter shall be granted in an amount equal to the eligible costs. Credits may be used in tax years beginning January 1, 2007, and ending December 31, 2010, after which the credit shall expire. If the credit is not fully used in any one tax year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward and used in tax years beginning January 1, 2007, and ending December 31, 2012, after which the credit carryover expires and may not be used. 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. Any eligible cost for which a credit is claimed and which is deducted or otherwise reduces federal taxable income shall be added back in computing adjusted federal income under s. 220.13.

(3) CORPORATE APPLICATION PROCESS.--Any corporation wishing to obtain tax credits available under this section must submit to the Department of Environmental Protection an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. The Department of Environmental Protection shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the Department of Environmental Protection's certification to the tax return on which the credit is claimed. The Department of Environmental Protection shall be responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. The Department of Environmental Protection is authorized to adopt the necessary rules, guidelines, and application materials for the application process.

(4) TAXPAYER APPLICATION PROCESS.--To claim a credit under this section, each taxpayer must apply to the Department of Environmental Protection for an allocation of each type of annual credit by the date established by the Department of Environmental Protection. The application

form may be established by the Department of Environmental Protection and shall include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section shall be accomplished on a first-come, first-served basis, based upon the date complete applications are received by the Department of Environmental Protection. A taxpayer shall submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.--

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, that are necessary to verify the eligible costs included in the 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 or examinations performed pursuant to this section.

(b) 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 examination or from 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. 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.

(c) The Department of Environmental Protection may revoke or modify any written decision granting eligibility for 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 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 tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the Department of Environmental Protection that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued following proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the Department of Environmental Protection that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) RULES.--The Department of Revenue shall have the authority to adopt rules relating to the forms required to claim a tax credit under this section, the requirements and basis for establishing an entitlement to a credit, and the examination and audit procedures required to administer this section.

(7) PUBLICATION.--The Department of Environmental Protection shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 13. Section 220.193, Florida Statutes, is created to read:

220.193 Florida renewable energy production credit.--

(1) The purpose of this section is to encourage the development and expansion of facilities that produce renewable energy in Florida.

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

(a) "Commission" shall mean the Public Service Commission.

(b) "Department" shall mean the Department of Revenue.

(c) "Expanded facility" shall mean a Florida renewable energy facility that increases its electrical production and sale by more than 5 percent above the facility's electrical production and sale during the 2005 calendar year.

(d) "Florida renewable energy facility" shall mean a facility in the state that produces electricity for sale from renewable energy, as defined in s. 377.803.

(e) "New facility" shall mean a Florida renewable energy facility that is operationally placed in service after May 1, 2006.

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

(a) The credit shall be $0.01 for each kilowatt-hour of electricity produced and sold by the taxpayer to an unrelated party during a given tax year.

(b) The credit may be claimed for electricity produced and sold on or after January 1, 2007. Beginning in 2008 and continuing until 2011, each taxpayer claiming a credit under this section must first apply to the department by February 1 of each year for an allocation of available credit. The department, in consultation with the Department of Environmental Protection and the Commission, shall develop an application form. The application form shall, at a minimum, require a sworn affidavit from each taxpayer certifying the increase in production and sales that form the basis of the application and certifying that all information contained in the application is true and correct.

(c) If the amount of credits applied for each year exceeds $5 million, the department shall award to each applicant a prorated amount based on each applicant's increased production and sales and the increased production and sales of all applicants.

(d) If the credit granted pursuant to this section is not fully used in one year because of insufficient tax liability on the part of the taxpayer, 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 such year exceeds the credit for such year, after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(e) 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.

(f)1. Tax credits that may be available under this section to an entity eligible under this section 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 limitations under 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 as a result of an examination or audit by the department, 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.

(g) Notwithstanding any other provision of this section, credits for the production and sale of electricity from a new or expanded Florida renewable energy facility may be earned between January 1, 2007 and June 30, 2010. The combined total amount of tax credits which may be granted for all taxpayers under this section is limited to $5 million per state fiscal year.

(h) A taxpayer claiming a credit under this section shall be required to add back to net income that portion of its business deductions claimed on its

federal return paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under this section.

(i) A taxpayer claiming credit under this section may not claim a credit under s. 220.192. A taxpayer claiming credit under s. 220.192 may not claim a credit under this section.

(4) The department may adopt rules to implement and administer this section, including rules prescribing forms, the documentation needed to substantiate a claim for the tax credit, and the specific procedures and guidelines for claiming the credit.

(5) This section shall take effect upon becoming law and shall apply to tax years beginning on and after January 1, 2007.

Section 14. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.--

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.--There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. The amount taken as a credit for the taxable year under ss. 220.192.

Section 15. Subsection (2) of section 186.801, Florida Statutes, is amended to read:

186.801 Ten-year site plans.--

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the commission, for electrical power in the area to be served.

(b) The effect on fuel diversity within the state.

(c)~~(b)~~ The anticipated environmental impact of each proposed electrical power plant site.

(d)~~(c)~~ Possible alternatives to the proposed plan.

(e)~~(d)~~ The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.

(f)~~(e)~~ The extent to which the plan is consistent with the state comprehensive plan.

(g)~~(f)~~ The plan with respect to the information of the state on energy availability and consumption.

Section 16. Subsection (6) of section 366.04, Florida Statutes, is amended to read:

366.04 Jurisdiction of commission.--

(6) The commission shall further have exclusive jurisdiction to prescribe and enforce safety standards for transmission and distribution facilities of all public electric utilities, cooperatives organized under the Rural Electric Cooperative Law, and electric utilities owned and operated by municipalities. In adopting safety standards, the commission shall, at a minimum:

(a) Adopt the 1984 edition of the National Electrical Safety Code (ANSI C2) as initial standards; and

(b) Adopt, after review, any new edition of the National Electrical Safety Code (ANSI C2).

The standards prescribed by the current 1984 edition of the National Electrical Safety Code (ANSI C2) shall constitute acceptable and adequate requirements for the protection of the safety of the public, and compliance with the minimum requirements of that code shall constitute good engineering practice by the utilities. The administrative authority referred to in the 1984 edition of the National Electrical Safety Code is the commission. However, nothing herein shall be construed as superseding, repealing, or amending the provisions of s. 403.523(1) and (10).

Section 17. Subsections (1) and (8) of section 366.05, Florida Statutes, are amended to read:

366.05 Powers.--

(1) In the exercise of such jurisdiction, the commission shall have power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, including the ability to adopt construction standards that exceed the National Electrical Safety Code, for purposes of ensuring the reliable provision of service, and service rules and regulations to be observed by each public utility; to require repairs, improvements, additions, replacements, and extensions to the plant and equipment of any public utility when reasonably necessary to promote the convenience and welfare of the public and secure adequate service or facilities for those reasonably entitled thereto; to employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this chapter; and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(8) If the commission determines that there is probable cause to believe that inadequacies exist with respect to the energy grids developed by the electric utility industry, including inadequacies in fuel diversity or fuel supply reliability, it shall have the power, after proceedings as provided by law, and after a finding that mutual benefits will accrue to the electric utilities involved, to require installation or repair of necessary facilities, including generating plants and transmission facilities, with the costs to be distributed in proportion to the benefits received, and to take all necessary steps to ensure compliance. The electric utilities involved in any action taken or orders

issued pursuant to this subsection shall have full power and authority, notwithstanding any general or special laws to the contrary, to jointly plan, finance, build, operate, or lease generating and transmission facilities and shall be further authorized to exercise the powers granted to corporations in chapter 361. This subsection shall not supersede or control any provision of the Florida Electrical Power Plant Siting Act, ss. 403.501-403.518.

Section 18. Section 366.92, Florida Statutes, is created to read:

366.92 Florida renewable energy policy.--

(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and at the same time, minimize the costs of power supply to electric utilities and their customers.

(2) For the purposes of this section, "Florida renewable energy resources" shall mean renewable energy, as defined in s. 377.803, that is produced in Florida.

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

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

Section 19. (1) The Florida Public Service Commission shall direct a study of the electric transmission grid in the state. The study shall look at electric system reliability to examine the efficiency and reliability of power transfer and emergency contingency conditions. In addition, the study shall examine the hardening of infrastructure to address issues arising from the 2004 and 2005 hurricane seasons. A report of the results of the study shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2007.

(2) The commission shall conduct a review to determine what should be done to enhance the reliability of Florida's transmission and distribution grids during extreme weather events, including the strengthening of distribution and transmission facilities. Considerations may include:

(a) Recommendations for promoting and encouraging underground electric distribution for new service or construction provided by public utilities.

(b) Recommendations for promoting and encouraging the conversion of existing overhead distribution facilities to underground facilities, including any recommended incentives to local governments for local-government-sponsored conversions.

(c) Recommendations as to whether incentives for local-government-sponsored conversions should include participation by a public utility in the conversion costs as an investment in the reliability of the grid in total, with such investment recognized as a new plant in service for regulatory purposes.

(d) Recommendations for promoting and encouraging the use of road rights-of-way for the location of underground facilities in any local-government-sponsored conversion project, provided the customers of the public utility do not incur increased liability and future relocation costs.

(3) The commission shall submit its review and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2007.

(4) This section does not limit the existing jurisdiction or powers of the commission. It may not be construed to delay or defer any activities that are currently docketed which relate to matters to be addressed by the study required by this section, nor may it be construed to delay or defer any case or proceeding that may be initiated before the commission pursuant to current statutory powers of the commission.

Section 20. Subsections (5), (8), (9), (12), (18), (24), and (27) of section 403.503, Florida Statutes, are amended, subsections (6) through (28) are renumbered as (7) through (29), respectively, and new subsections (6) and (16) are added to that section, to read:

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

(5) "Application" means the documents required by the department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the department for additional data and information ~~proceeding and shall include the documents necessary for the department to render a decision on any permit required pursuant to any federally delegated or approved permit program~~.

(6) "Associated facilities" means, for the purpose of certification, those facilities which directly support the construction and operation of the electrical power plant such as fuel unloading facilities; pipelines necessary for transporting fuel for the operation of the facility or other fuel transportation facilities; water or wastewater transport pipelines; construction, maintenance, and access roads; and railway lines necessary for transport of construction equipment or fuel for the operation of the facility.

(8) "Completeness" means that the application has addressed all applicable sections of the prescribed application format, and ~~but does not mean~~ that those sections are sufficient in comprehensiveness of data or in quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.507.

(9) "Corridor" means the proposed area within which an associated linear facility right-of-way is to be located. The width of the corridor proposed for certification as an associated facility, at the option of the applicant, may be the width of the right-of-way or a wider boundary, not to exceed a width of 1 mile. The area within the corridor in which a right-of-way may be located may be further restricted by a condition of certification. After all property interests required for the right-of-way have been acquired by the licensee ~~applicant~~, the boundaries of the area certified shall narrow to only that land within the boundaries of the right-of-way.

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

(16) "Licensee" means an applicant that has obtained a certification order for the subject project.

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

(25)~~(24)~~ "Right-of-way" means land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line as owned by or proposed to be certified by the applicant. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor

and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.

(28)~~(27)~~ "Ultimate site capacity" means the maximum generating capacity for a site as certified by the board. ~~"Sufficiency" means that the application is not only complete but that all sections are sufficient in the comprehensiveness of data or in the quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.507.~~

Section 21. Subsections (1), (7), (9), and (10) of section 403.504, Florida Statutes, are amended, and new subsections (9), (10), (11), and (12) are added to that section, to read:

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

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

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

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

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

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

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

~~(9) To notify all affected agencies of the filing of a notice of intent within 15 days after receipt of the notice.~~

~~(10) To issue, with the electrical power plant certification, any license required pursuant to any federally delegated or approved permit program.~~

Section 22. Section 403.5055, Florida Statutes, is amended to read:

403.5055 Application for permits pursuant to s. 403.0885.--In processing applications for permits pursuant to s. 403.0885 that are associated with applications for electrical power plant certification:

(1) The procedural requirements set forth in 40 C.F.R. s. 123.25, including public notice, public comments, and public hearings, shall be closely coordinated with the certification process established under this part. In the event of a conflict between the certification process and federally required procedures for NPDES permit issuance, the applicable federal requirements shall control.

~~(2) The department's proposed action pursuant to 40 C.F.R. s. 124.6, including any draft NPDES permit (containing the information required under 40 C.F.R. s. 124.6(d)), shall within 130 days after the submittal of a complete application be publicly noticed and transmitted to the United States Environmental Protection Agency for its review pursuant to 33 U.S.C. s. 1342(d).~~

(2)~~(3)~~ If available at the time the department issues its project analysis pursuant to s. 403.507(5), the department shall include in its project analysis ~~written analysis pursuant to s. 403.507(3)~~ copies of the department's proposed action pursuant to 40 C.F.R. s. 124.6 on any application for a NPDES permit; any corresponding comments received from the United States Environmental Protection Agency, the applicant, or the general public; and the department's response to those comments.

(3)~~(4)~~ The department shall not issue or deny the permit pursuant to s. 403.0885 in advance of the issuance of the electrical ~~electric~~ power plant certification under this part unless required to do so by the provisions of federal law. When possible, any hearing on a permit issued pursuant to s. 403.0885 shall be conducted in conjunction with the certification hearing held pursuant to this act. The department's actions on an NPDES permit shall be based on the record and recommended order of the certification hearing, if the hearing on the NPDES was conducted in conjunction with the certification hearing, and of any other proceeding held in connection with the application for an NPDES permit, timely public comments received with respect to the application, and the provisions of federal law. The department's action on an NPDES permit, if issued, shall differ from the actions taken by the siting board regarding the certification order if federal laws and regulations require different action to be taken to ensure compliance with the Clean Water Act, as amended, and implementing regulations. Nothing in this part shall be construed to displace the department's authority as the final permitting entity under the federally approved state NPDES program. Nothing in this part shall be construed to authorize the issuance of a state NPDES permit which does not conform to the requirements of the federally approved state NPDES program. ~~The permit, if issued, shall be valid for no more than 5 years.~~

~~(5) The department's action on an NPDES permit renewal, if issued, shall differ from the actions taken by the siting board regarding the certification order if federal laws and regulations require different action to be taken to ensure compliance with the Clean Water Act, as amended, and implementing regulations.~~

Section 23. Section 403.506, Florida Statutes, is amended to read:

403.506 Applicability, thresholds, and certification.--

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

(2) Except as provided in the certification, modification of nonnuclear fuels, internal related hardware, including increases in steam turbine efficiency, or operating conditions not in conflict with certification which increase the electrical output of a unit to no greater capacity than the maximum electrical generator rating ~~operating capacity~~ of the existing generator shall not constitute an alteration or addition to generating capacity which requires certification pursuant to this act.

~~(3) The application for any related department license which is required pursuant to any federally delegated or approved permit program shall be processed within the time periods allowed by this act, in lieu of those specified in s. 120.60. However, permits issued pursuant to s. 403.0885 shall be processed in accordance with 40 C.F.R. part 123.~~

Section 24. Section 403.5064, Florida Statutes, is amended to read:

403.5064 Application ~~Distribution of application~~; schedules.--

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

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

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

(2)~~(1)~~ Within 7 days after the filing of an application, the department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional ~~those affected or other~~ agencies or persons entitled to notice and copies of the application and any amendments. Copies of the application shall be distributed within 5 days by the applicant to these additional agencies. This distribution shall not be a basis for altering the schedule of dates for the certification process.

(3) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered good cause for alteration of time limits pursuant to s. 403.5095.

(4)~~(2)~~ Within 7 days after the filing of an application ~~completeness has been determined~~, the department shall prepare a proposed schedule of dates for determination of completeness, submission of statements of issues,

~~determination of sufficiency, and~~ submittal of final reports, ~~from affected and other agencies~~ and other significant dates to be followed during the certification process, including dates for filing notices of appearance to be a party pursuant to s. 403.508(3)~~(4)~~. This schedule shall be timely provided by the department to the applicant, the administrative law judge, all agencies identified pursuant to subsection (2) ~~(1)~~, and all parties. Within 7 days after the filing of the proposed schedule, the administrative law judge shall issue an order establishing a schedule for the matters addressed in the department's proposed schedule and other appropriate matters, if any.

(5)~~(3)~~ ~~Within 7 days after completeness has been determined, the applicant shall distribute copies of the application to all agencies identified by the department pursuant to subsection (1).~~ Copies of changes and amendments to the application shall be timely distributed by the applicant to all ~~affected~~ agencies and parties who have received a copy of the application.

(6) Notice of the filing of the application shall be published in accordance with the requirements of s. 403.5115.

Section 25. Section 403.5065, Florida Statutes, is amended to read:

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

(1) Within 7 days after receipt of an application, ~~whether complete or not,~~ the department shall request the Division of Administrative Hearings to designate an administrative law judge to conduct the hearings required by this act. The division director shall designate an administrative law judge within 7 days after receipt of the request from the department. In designating an administrative law judge for this purpose, the division director shall, whenever practicable, assign an administrative law judge who has had prior experience or training in electrical power plant site certification proceedings. Upon being advised that an administrative law judge has been appointed, the department shall immediately file a copy of the application and all supporting documents with the designated administrative law judge, who shall docket the application.

(2) The administrative law judge shall have all powers and duties granted to administrative law judges by chapter 120 and by the laws and rules of the department.

Section 26. Section 403.5066, Florida Statutes, is amended to read:

403.5066 Determination of completeness.--

(1)(a) Within 30 days after the filing of an application, affected agencies shall file a statement with the department containing each agency's recommendations on the completeness of the application.

(b) Within 40 ~~15~~ days after the filing ~~receipt~~ of an application, the department shall file a statement with the Division of Administrative Hearings, ~~and~~ with the applicant, and with all parties declaring its position with regard to the completeness~~, not the sufficiency,~~ of the application. The department's statement shall be based upon consultation with the affected agencies.

(2)~~(1)~~ If the department declares the application to be incomplete, the applicant, within 15 days after the filing of the statement by the department, shall file with the Division of Administrative Hearings, ~~and~~ with the department, and all parties ~~a statement~~:

(a) A withdrawal of ~~Agreeing with the statement of the department and withdrawing~~ the application;

(b) A statement agreeing to supply the additional information necessary to make the application complete. Such additional information shall be provided within 30 days after the issuance of the department's statement on completeness of the application. The time schedules under this act shall not be tolled if the applicant makes the application complete within 30 days after the issuance of the department's statement on completeness of the application. A subsequent finding by the department that the application remains incomplete, based upon the additional information submitted by the applicant or upon the failure of the applicant to timely submit the additional information, tolls the time schedules under this act until the application is determined complete; ~~Agreeing with the statement of the department and agreeing to amend the application without withdrawing it. The time schedules referencing a complete application under this act shall not commence until the application is determined complete; or~~

(c) A statement contesting the department's determination of incompleteness; or ~~contesting the statement of the department.~~

(d) A statement agreeing with the department and requesting additional time beyond 30 days to provide the information necessary to make the application complete. If the applicant exercises this option, the time schedules under this act are tolled until the application is determined complete.

(3)(a)~~(2)~~ If the applicant contests the determination by the department that an application is incomplete, the administrative law judge shall schedule a hearing on the statement of completeness. The hearing shall be held as expeditiously as possible, but not later than 21 ~~30~~ days after the filing of the statement by the department. The administrative law judge shall render a decision within 7 ~~10~~ days after the hearing.

(b) Parties to a hearing on the issue of completeness shall include the applicant, the department, and any agency that has jurisdiction over the matter in dispute.

(c)~~(a)~~ If the administrative law judge determines that the application was not complete ~~as filed~~, the applicant shall withdraw the application or make such additional submittals as necessary to complete it. The time schedules referencing a complete application under this act shall not commence until the application is determined complete.

(d)~~(b)~~ If the administrative law judge determines that the application was complete at the time it was declared incomplete ~~filed~~, the time schedules referencing a complete application under this act shall commence upon such determination.

(4) If the applicant provides additional information to address the issues identified in the determination of incompleteness, each affected agency may submit to the department, no later than 15 days after the applicant files the additional information, a recommendation on whether the agency believes the application is complete. Within 22 days after receipt of the additional information from the applicant submitted under paragraph (2)(b), paragraph (2)(d), or paragraph (3)(c), the department shall determine whether the additional information supplied by an applicant makes the application complete. If the department finds that the application is still incomplete, the applicant may exercise any of the options specified in subsection (2) as often as is necessary to resolve the dispute.

Section 27. Section 403.50663, Florida Statutes, is created to read:

403.50663 Informational public meetings.--

(1) A local government within whose jurisdiction the power plant is proposed to be sited may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the electrical power plant proceeding. Such informational public meetings shall be held by the local government or by the regional planning council if the local government does not hold such meeting within 70 days after the filing of the application. The purpose of an informational public meeting is for the local government or regional planning council to further inform the public about the proposed electrical power plant or associated facilities, obtain comments from the public, and formulate its recommendation with respect to the proposed electrical power plant.

(2) Informational public meetings shall be held solely at the option of each local government or regional planning council if a public meeting is not held by the local government. It is the legislative intent that local governments or regional planning councils attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, no party other than the applicant and the department shall be required to attend such informational public meetings.

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 5 days prior to the meeting.

(4) The failure to hold an informational public meeting or the procedure used for the informational public meeting are not grounds for the alteration of any time limitation in this act under s. 403.5095 or grounds to deny or condition certification.

Section 28. Section 403.50665, Florida Statutes, is created to read:

403.50665 Land use consistency.--

(1) The applicant shall include in the application a statement on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency.

(2) Within 45 days after the filing of the application, each local government shall file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application. The local government may issue its determination up to 35 days later if the local government has requested additional information on land use and zoning consistency as part of the local government's statement on completeness of the application submitted pursuant to s. 403.5066(1)(a). Notice of the consistency determination shall be published in accordance with the requirements of s. 403.5115.

(3) If the local government issues a determination that the proposed electrical power plant is not consistent or in compliance with local land use plans and zoning ordinances, the applicant may apply to the local government for the necessary local approval to address the inconsistencies in the local government's determination. If the applicant makes such an application to the local government, the time schedules under this act shall be tolled until the local government issues its revised determination on land use and zoning or the applicant otherwise withdraws its application to the local government. If the applicant applies to the local government for necessary local land use or zoning approval, the local government shall issue a revised determination within 30 days following the conclusion of that local proceeding, and the time schedules and notice requirements under this act shall apply to such revised determination.

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

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

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

Section 29. Section 403.5067, Florida Statutes, is repealed.

Section 30. Section 403.507, Florida Statutes, is amended to read:

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

(1) Each affected agency identified in paragraph (2)(a) shall submit a preliminary statement of issues to the department, ~~and~~ the applicant, and all parties no later than 40 ~~60~~ days after the certification application has been determined ~~distribution of the~~ complete ~~application~~. The failure to raise an issue in this statement shall not preclude the issue from being raised in the agency's report.

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant ~~within 150 days after distribution of the complete application~~:

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

~~2. The Public Service Commission shall prepare a report as to the present and future need for the electrical generating capacity to be supplied by the proposed electrical power plant. The report shall include the commission's determination pursuant to s. 403.519 and may include the commission's comments with respect to any other matters within its jurisdiction.~~

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

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

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

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

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

(b)~~7.~~ Any other agency, if requested by the department, shall also perform studies or prepare reports as to matters within that agency's jurisdiction which may potentially be affected by the proposed electrical power plant.

~~(b) As needed to verify or supplement the studies made by the applicant in support of the application, it shall be the duty of the department to conduct, or contract for, studies of the proposed electrical power plant and site, including, but not limited to, the following, which shall be completed no later than 210 days after the complete application is filed with the department:~~

~~1. Cooling system requirements.~~

~~2. Construction and operational safeguards.~~

~~3. Proximity to transportation systems.~~

~~4. Soil and foundation conditions.~~

~~5. Impact on suitable present and projected water supplies for this and other competing uses.~~

~~6. Impact on surrounding land uses.~~

~~7. Accessibility to transmission corridors.~~

~~8. Environmental impacts.~~

~~9. Requirements applicable under any federally delegated or approved permit program.~~

(3)~~(c)~~ Each report described in subsection (2) ~~paragraphs (a) and (b)~~ shall contain:

(a) A notice of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception ~~all information on variances, exemptions, exceptions~~, or other relief is necessary in order for the proposed electrical power plant to be certified. Failure of such notification by an agency shall be treated as a waiver from nonprocedural requirements of that agency. However, no variance shall be granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program. ~~which may be required by s. 403.511(2) and~~

(b) A recommendation for approval or denial of the application.

(c) Any proposed conditions of certification on matters within the jurisdiction of such agency. For each condition proposed by an agency in its report, the agency shall list the specific statute, rule, or ordinance which authorizes the proposed condition.

(d) The agencies shall initiate the activities required by this section no later than 15 ~~30~~ days after the ~~complete~~ application is distributed. The agencies shall keep the applicant and the department informed as to the progress of the studies and any issues raised thereby.

~~(3) No later than 60 days after the application for a federally required new source review or prevention of significant deterioration permit for the electrical power plant is complete and sufficient, the department shall issue its preliminary determination on such permit. Notice of such determination shall be published as required by the department's rules for notices of such permits. The department shall receive public comments and comments from the United States Environmental Protection Agency and other affected agencies on the preliminary determination as provided for in the federally approved state implementation plan. The department shall maintain a record~~

~~of all comments received and considered in taking action on such permits. If a petition for an administrative hearing on the department's preliminary determination is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing.~~

(4)(a) No later than 150 days after the application is filed, the Public Service Commission shall prepare a report as to the present and future need for electrical generating capacity to be supplied by the proposed electrical power plant. The report shall include the commission's determination pursuant to s. 403.519 and may include the commission's comments with respect to any other matters within its jurisdiction.

(b) Receipt of an affirmative determination of need by the submittal deadline under paragraph (a) shall be a condition precedent to issuance of the department's project analysis and conduct of the certification hearing.

(5)~~(4)~~ The department shall prepare a project ~~written~~ analysis, which shall be filed with the designated administrative law judge and served on all parties no later than 130 ~~240~~ days after the ~~complete~~ application is determined complete ~~filed with the department, but no later than 60 days prior to the hearing~~, and which shall include:

(a) A statement indicating whether the proposed electrical power plant and proposed ultimate site capacity will be in compliance and consistent with matters within the department's standard jurisdiction, including ~~with~~ the rules of the department, as well as whether the proposed electrical power plant and proposed ultimate site capacity will be in compliance with the nonprocedural requirements of the affected agencies.

(b) Copies of the studies and reports required by this section ~~and s. 403.519~~.

(c) The comments received by the department from any other agency or person.

(d) The recommendation of the department as to the disposition of the application, of variances, exemptions, exceptions, or other relief identified by any party, and of any proposed conditions of certification which the department believes should be imposed.

(e) If available, the recommendation of the department regarding the issuance of any license required pursuant to a federally delegated or approved permit program.

~~(f) Copies of the department's draft of the operation permit for a major source of air pollution, which must also be provided to the United States Environmental Protection Agency for review within 5 days after issuance of the written analysis.~~

(6)~~(5)~~ Except when good cause is shown, the failure of any agency to submit a preliminary statement of issues or a report, or to submit its preliminary statement of issues or report within the allowed time, shall not be grounds for the alteration of any time limitation in this act. Neither the failure to submit a preliminary statement of issues or a report nor the inadequacy of the preliminary statement of issues or report are ~~shall be~~ grounds to deny or condition certification.

Section 31. Section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings ~~proceedings~~, parties, participants.--

(1)(a) If a petition for a hearing on land use has been filed pursuant to s. 403.50665, the designated administrative law judge shall conduct a land use hearing in the county of the proposed site or directly associated facility, as applicable, as expeditiously as possible, but not later than 30 ~~within 90~~ days after the department's receipt of the petition ~~a complete application for electrical power plant site certification by the department~~. The place of such hearing shall be as close as possible to the proposed site or directly associated facility. If a petition is filed, the hearing shall be held regardless of the status of the completeness of the application. However, incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances under s. 403.50665.

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

(c)~~(2)~~ The sole issue for determination at the land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances.

(d) The designated administrative law judge's recommended order shall be issued within 30 days after completion of the hearing and shall be reviewed by the board within 60 ~~45~~ days after receipt of the recommended order by the board.

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

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

(2)(a)~~(3)~~ A certification hearing shall be held by the designated administrative law judge no later than 265 ~~300~~ days after the ~~complete~~ application is filed with the department~~; however, an affirmative determination of need by the Public Service Commission pursuant to s. 403.519 shall be a condition precedent to the conduct of the certification hearing~~. The certification hearing shall be held at a location in proximity to the proposed site. ~~The certification hearing shall also constitute the sole hearing allowed by chapter 120 to determine the substantial interest of a party regarding any required agency license or any related permit required pursuant to any federally delegated or approved permit program.~~ At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of all evidence of record, submit to the board a recommended order no later than 45 ~~60~~ days after the filing of the hearing transcript. ~~In the event the administrative law judge fails to issue a recommended order within 60 days after the filing of the hearing transcript, the administrative law judge shall submit a report to the board with a copy to all parties within 60 days after the filing of the hearing transcript to advise the board of the reason for the delay in the issuance of the recommended order and of the date by which the recommended order will be issued.~~

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

(3)(a)~~(4)(a)~~ Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of Community Affairs.
4. The Fish and Wildlife Conservation Commission.
5. The water management district.
6. The department.
7. The regional planning council.
8. The local government.
9. The Department of Transportation.

(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.

(c) Notwithstanding the provisions of chapter 120, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed ~~at least 15 days prior to the date of the land use hearing~~, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (e), failure of an agency described in subparagraph (c)1. to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c) who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to s. 403.509(4), shall be made a party upon the request of the department or the applicant.

(4)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including regional planning councils and water management districts.

5. Local governments.

6. Other parties.

(b)~~(5)~~ When appropriate, any person may be given an opportunity to present oral or written communications to the designated administrative law judge. If the designated administrative law judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(5) At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of all evidence of record, submit to the board a recommended order no later than 45 days after the filing of the hearing transcript.

(6)(a) No earlier than 29 days prior to the conduct of the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, and if sufficient time remains for the applicant and the department to publish public notices of the cancellation of the hearing at least 3 days prior to the scheduled date of the hearing.

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

(c) If the administrative law judge grants the request, the department and the applicant shall publish notices of the cancellation of the certification hearing, in accordance with s. 403.5115.

(d)1. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with s. 403.509(1)(a).

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

(7) The applicant shall pay those expenses and costs associated with the conduct of the hearings and the recording and transcription of the proceedings.

~~(6) The designated administrative law judge shall have all powers and duties granted to administrative law judges by chapter 120 and this chapter and by the rules of the department and the Administration Commission, including the authority to resolve disputes over the completeness and sufficiency of an application for certification.~~

~~(7) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:~~

~~(a) The applicant.~~

~~(b) The department.~~

~~(c) State agencies.~~

~~(d) Regional agencies, including regional planning councils and water management districts.~~

~~(e) Local governments.~~

~~(f) Other parties.~~

(8) In issuing permits under the federally approved new source review or prevention of significant deterioration permit program, the department shall observe the procedures specified under the federally approved state implementation plan, including public notice, public comment, public hearing, and notice of applications and amendments to federal, state, and local agencies, to assure that all such permits issued in coordination with the certification of a power plant under this act are federally enforceable and are issued after opportunity for informed public participation regarding the terms and conditions thereof. When possible, any hearing on a federally approved or delegated program permit such as new source review, prevention of significant deterioration permit, or NPDES permit shall be conducted in conjunction with the certification hearing held under this act. ~~The department shall accept written comment with respect to an application for, or the department's preliminary determination on, a new source review or prevention of significant deterioration permit for a period of no less than 30 days from the date notice of such action is published. Upon request submitted within 30 days after published notice, the department shall hold a public meeting, in the area affected, for the purpose of receiving public comment on issues related to the new source review or prevention of significant deterioration permit. If requested following notice of the department's preliminary determination, the public meeting to receive public comment shall be held prior to the scheduled certification hearing. The department shall also solicit comments from the United States Environmental Protection Agency and other affected federal agencies regarding the department's preliminary determination for any federally required new source review or prevention of significant deterioration permit.~~ It is the intent of the Legislature that the review, processing, and issuance of such federally delegated or approved permits be closely coordinated with the certification process established under this part. In the event of a conflict between the certification process and federally required procedures ~~contained in the state implementation plan,~~ the applicable federal requirements ~~of the implementation plan~~ shall control.

Section 32. Section 403.509, Florida Statutes, is amended to read:

403.509 Final disposition of application.--

(1)(a) If the administrative law judge has granted a request to cancel the certification hearing and has relinquished jurisdiction to the department under the provisions of s. 403.508(6), within 40 days thereafter, the secretary of the department shall act upon the application by written order in accordance with the terms of this act and the stipulation of the parties in requesting cancellation of the certification hearing.

(b) If the administrative law judge has not granted a request to cancel the certification hearing under the provisions of s. 403.508(6), within 60 days after receipt of the designated administrative law judge's recommended order, the board shall act upon the application by written order, approving ~~certification~~ or denying certification ~~the issuance of a certificate~~, in accordance with the terms of this act, and stating the reasons for issuance or denial. If certification ~~the certificate~~ is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

(2) The issues that may be raised in any hearing before the board shall be limited to those matters raised in the certification proceeding before the administrative law judge or raised in the recommended order. All parties, or their representatives, or persons who appear before the board shall be subject to the provisions of s. 120.66.

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

(a) Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.

(b) Comply with applicable nonprocedural requirements of agencies.

(c) Be consistent with applicable local government comprehensive plans and land development regulations.

(d) Meet the electrical energy needs of the state in an orderly and timely fashion.

(e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519, and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.

(f) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

(g) Serve and protect the broad interests of the public.

~~(3) Within 30 days after issuance of the certification, the department shall issue and forward to the United States Environmental Protection Agency a proposed operation permit for a major source of air pollution and must issue or deny any other license required pursuant to any federally delegated or approved permit program. The department's action on the license and its action on the proposed operation permit for a major source of air pollution shall be based upon the record and recommended order of the certification hearing. The department's actions on a federally required new source review or prevention of significant deterioration permit shall be based on the record and recommended order of the certification hearing and of any other proceeding held in connection with the application for a new source review or prevention of significant deterioration permit, on timely public comments received with respect to the application or preliminary determination for such permit, and on the provisions of the state implementation plan.~~

(4) The department's action on a federally required new source review or prevention of significant deterioration permit shall differ from the actions taken by the siting board regarding the certification if the federally approved state implementation plan requires such a different action to be taken by the department. Nothing in this part shall be construed to displace the department's authority as the final permitting entity under the federally approved permit program. Nothing in this part shall be construed to authorize the issuance of a new source review or prevention of significant deterioration permit which does not conform to the requirements of the federally approved state implementation plan. ~~Any final operation permit for a major source of air pollution must be issued in accordance with the provisions of s. 403.0872. Unless the federally delegated or approved permit program provides otherwise, licenses issued by the department under this subsection shall be effective for the term of the certification issued by the board. If renewal of any license issued by the department pursuant to a federally delegated or approved permit program is required, such renewal shall not affect the certification issued by the board, except as necessary to resolve inconsistencies pursuant to s. 403.516(1)(a).~~

(5)~~(4)~~ In regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities ~~site~~ and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

(6)~~(5)~~ ~~Except for the issuance of any operation permit for a major source of air pollution pursuant to s. 403.0872,~~ The issuance or denial of the certification by the board or secretary of the department ~~and the issuance or denial of any related department license required pursuant to any federally delegated or approved permit program~~ shall be the final administrative action required as to that application.

~~(6) All certified electrical power plants must apply for and obtain a major source air operation permit pursuant to s. 403.0872. Major source air operation permit applications for certified electrical power plants must be submitted pursuant to a schedule developed by the department. To the extent that any conflicting provision, limitation, or restriction under any rule, regulation, or ordinance imposed by any political subdivision of the state, or by any local pollution control program, was superseded during the certification process pursuant to s. 403.510(1), such rule, regulation, or ordinance shall continue to be superseded for purposes of the major source air operation permit program under s. 403.0872.~~

Section 33. Section 403.511, Florida Statutes, is amended to read:

403.511 Effect of certification.--

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

(2)(a) The certification shall authorize the licensee ~~applicant~~ named therein to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, and except for the issuance of department licenses or permits required under any federally delegated or approved permit program.

(b)1. Except as provided in subsection (4), the certification may include conditions which constitute variances, exemptions, or exceptions from nonprocedural requirements of the department or any agency which were expressly considered during the proceeding, including, but not limited to, any site specific criteria, standards, or limitations under local land use and zoning approvals which affect the proposed electrical power plant or its site, unless waived by the agency ~~as provided below~~ and which otherwise would be applicable to the construction and operation of the proposed electrical power plant.

2. No variance, exemption, exception, or other relief shall be granted from a state statute or rule for the protection of endangered or threatened species, aquatic preserves, Outstanding National Resource Waters, or Outstanding Florida Waters or for the disposal of hazardous waste, except to the extent authorized by the applicable statute or rule or except upon a finding in the certification order ~~by the siting board~~ that the public interests set forth in s. 403.509(3) ~~403.502~~ in certifying the electrical power plant at the site proposed by the applicant overrides the public interest protected by the statute or rule from which relief is sought. ~~Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any electrical power plant proposed for certification. Failure of such notification by an agency shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.~~

(3) The certification and any order on land use and zoning issued under this act shall be in lieu of any license, permit, certificate, or similar document required by any state, regional, or local agency pursuant to, but not limited to, chapter 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter 253, chapter 298, chapter 370, chapter 373, chapter 376, chapter 380, chapter 381, chapter 387, chapter 403, except for permits issued pursuant to any federally delegated or approved permit program ~~s. 403.0885~~ and except as provided in ~~s. 403.509(3) and (6),~~ chapter 404~~,~~ or the Florida Transportation Code, or 33 U.S.C. s. 1341.

(4) This act shall not affect in any way the ratemaking powers of the Public Service Commission under chapter 366; nor shall this act in any way affect the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

(5)(a) An electrical power plant certified pursuant to this act shall comply with rules adopted by the department subsequent to the issuance of the certification which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

(b) Upon written notification to the department, any holder of a certification issued pursuant to this act may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

(c) No term or condition of certification shall be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings. This subsection shall apply to previously issued certifications.

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

(7) Pursuant to s. 380.23, electrical power plants are subject to the federal coastal consistency review program. Issuance of certification shall constitute the state's certification of coastal zone consistency.

Section 34. Section 403.5112, Florida Statutes, is created to read:

403.5112 Filing of notice of certified corridor route.--

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

(2) The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. Each clerk shall record the filing in the official record of the county for the duration of the certification or until such time as the applicant certifies to the department and the clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county, whichever is sooner.

Section 35. Section 403.5113, Florida Statutes, is created to read:

403.5113 Postcertification amendments.--

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

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

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

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

Section 36. Section 403.5115, Florida Statutes, is amended to read:

403.5115 Public notice~~; costs of proceeding~~.--

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

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

(b) Notice ~~A notice~~ of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing ~~be published as specified in subsection (2), within 15 days after the application has been determined complete~~. Such notice shall give notice of the provisions of s. 403.511(1) and (2) ~~and that the application constitutes a request for a federally required new source review or prevention of significant deterioration permit~~.

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) Notice of the land use hearing, which shall be published as specified in subsection (2), no later than 15 ~~45~~ days before the hearing.

(e)~~(d)~~ Notice of the certification hearing and notice of the deadline for filing notice of intent to be a party, which shall be published as specified in subsection (2), at least 65 days before the date set for the certification ~~no later than 45 days before the~~ hearing.

(f) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days before the date of the originally scheduled certification hearing.

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

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

2. If a hearing is to be conducted in response to the request for modification, then notice shall be published no later than 30 days before the hearing ~~provided as specified in paragraph (d)~~.

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

~~1. Notice of receipt of the supplemental application shall be published as specified in paragraph (b).~~

~~2. Notice of the certification hearing shall be published as specified in paragraph (d).~~

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

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

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

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

(a) Notice ~~Publish in the Florida Administrative Weekly notices~~ of the filing of the notice of intent within 15 days after receipt of the notice.~~;~~

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

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

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

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

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

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

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

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

~~(b) Provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose.~~

~~(5) The applicant shall pay those expenses and costs associated with the conduct of the hearings and the recording and transcription of the proceedings.~~

Section 37. Section 403.513, Florida Statutes, is amended to read:

403.513 Review.--Proceedings under this act shall be subject to judicial review as provided in chapter 120. When possible, separate appeals of the certification order issued by the board and of any department permit issued pursuant to a federally delegated or approved permit program may ~~shall~~ be consolidated for purposes of judicial review.

Section 38. Section 403.516, Florida Statutes, is amended to read:

403.516 Modification of certification.--

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

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

(b)1. The department may modify specific conditions of a site certification which are inconsistent with the terms of any federally delegated or approved ~~final air pollution operation~~ permit for the certified electrical power plant ~~issued by the United States Environmental Protection Agency under the terms of 42 U.S.C. s. 7661d~~.

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

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

1. A petition for modification must set forth:

a. The proposed modification.

b. The factual reasons asserted for the modification.

c. The anticipated environmental effects of the proposed modification.

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

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

~~(c) A petition for modification may be filed by the applicant or the department setting forth:~~

~~1. The proposed modification,~~

~~2. The factual reasons asserted for the modification, and~~

~~3. The anticipated effects of the proposed modification on the applicant, the public, and the environment.~~

~~The petition for modification shall be filed with the department and the Division of Administrative Hearings.~~

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

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

~~(2) Petitions filed pursuant to paragraph (1)(c) shall be disposed of in the same manner as an application, but with time periods established by the administrative law judge commensurate with the significance of the modification requested.~~

(2)~~(3)~~ Any agreement or modification under this section must be in accordance with the terms of this act. No modification to a certification shall be granted that constitutes a variance from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Section 39. Section 403.517, Florida Statutes, is amended to read:

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

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

~~1. Prompt appointment of a designated administrative law judge.~~

~~2. The contents of the supplemental application.~~

~~3. Resolution of disputes as to the completeness and sufficiency of supplemental applications by the designated administrative law judge.~~

~~4. Public notice of the filing of the supplemental applications.~~

~~5. Time limits for prompt processing of supplemental applications.~~

~~6. Final disposition by the board within 215 days of the filing of a complete supplemental application.~~

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

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

(d)~~(c)~~ Any time limitation in this section or in rules adopted pursuant to this section may be altered pursuant to s. 403.5095 ~~by the designated administrative law judge upon stipulation between the department and the applicant, unless objected to by any party within 5 days after notice, or for good cause shown by any party. The parties to the proceeding shall adhere to the provisions of chapter 120 and this act in considering and processing such supplemental applications~~.

(2) ~~Supplemental applications shall be reviewed as provided in ss. 403.507-403.511, except that the time limits provided in this section shall apply to such supplemental applications.~~

~~(3)~~ The land use and zoning consistency determination of s. 403.50665 ~~hearing requirements of s. 403.508(1) and (2)~~ shall not be applicable to the processing of supplemental applications pursuant to this section so long as:

(a) The previously certified ultimate site capacity is not exceeded; and

(b) The lands required for the construction or operation of the electrical power plant which is the subject of the supplemental application are within the boundaries of the previously certified site.

~~(4) For the purposes of this act, the term "ultimate site capacity" means the maximum generating capacity for a site as certified by the board.~~

Section 40. Section 403.5175, Florida Statutes, is amended to read:

403.5175 Existing electrical power plant site certification.--

(1) An electric utility that owns or operates an existing electrical power plant as defined in s. 403.503(12) may apply for certification of an existing power plant and its site in order to obtain all agency licenses necessary to ensure ~~assure~~ compliance with federal or state environmental laws and regulation using the centrally coordinated, one-stop licensing process established by this part. An application for site certification under this section must be in the form prescribed by department rule. Applications must be reviewed and processed using the same procedural steps and notices as for an application for a new facility ~~in accordance with ss. 403.5064-403.5115~~, except that a determination of need by the Public Service Commission is not required.

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

(a) A description of the site and existing power plant installations;

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

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

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

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

(3) The land use and zoning determination ~~hearing~~ requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not apply to an application under this section if the applicant does not propose to expand the boundaries of the existing site. If the applicant proposes to expand the boundaries of the existing site to accommodate portions of the plant or associated facilities, a land use and zoning determination shall be made ~~hearing must be held~~ as specified in s. 403.50665 ~~s. 403.508(1) and (2)~~; provided, however, that the sole issue for determination ~~through the land use hearing~~ is whether the proposed site expansion is consistent and in compliance with the existing land use plans and zoning ordinances.

(4) In considering whether an application submitted under this section should be approved in whole, approved with appropriate conditions, or denied, the board shall consider whether, and to the extent to which the proposed changes to the electrical power plant and its continued operation under certification will:

(a) Comply with the provisions of s. 403.509(3). ~~applicable nonprocedural requirements of agencies;~~

(b) Result in environmental or other benefits compared to current utilization of the site and operations of the electrical power plant if the proposed changes or alterations are undertaken.~~;~~

~~(c) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life; and~~

~~(d) Serve and protect the broad interests of the public.~~

(5) An applicant's failure to receive approval for certification of an existing site or an electrical power plant under this section is without prejudice to continued operation of the electrical power plant or site under existing agency licenses.

Section 41. Section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.--

~~(1)~~ The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

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

(2)~~(b)~~ An application fee, which shall not exceed $200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in electrical generating capacity proposed by the application~~, or the number and size of local governments in whose jurisdiction the electrical power plant is located~~.

(a)~~1.~~ Sixty percent of the fee shall go to the department to cover any costs associated with coordinating the review ~~reviewing~~ and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

(b)~~2.~~ The following percentages ~~Twenty percent of the fee or $25,000, whichever is greater,~~ shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services:~~.~~

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

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

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

(c)1.~~3.~~ Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s. 403.508 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request shall contain an accounting of expenses incurred which may include time spent reviewing the application, ~~the department shall reimburse the Department of Community Affairs, the Fish and Wildlife Conservation Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to s. 403.507(2)(a)7. Such reimbursement shall be authorized for the~~ preparation of any studies required of the agencies by this act, ~~and for~~ agency travel and per diem to attend any hearing held pursuant to this act, and for any agency or local government's provision of notice of public meetings or hearings required as a result of the application for certification ~~governments to participate in the proceedings~~. The department shall review the request and verify that the expenses are valid. Valid expenses shall be reimbursed; however, in the event the amount of funds available for reimbursement ~~allocation~~ is insufficient to provide for full compensation ~~complete reimbursement~~ to the agencies requesting reimbursement, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement.

(d)~~4.~~ If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

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

(b) The fee shall be submitted to the department with a ~~formal~~ petition for modification ~~to the department~~ pursuant to s. 403.516. This fee shall be established, disbursed, and processed in the same manner as the application fee in subsection (2) ~~paragraph (b)~~, except that the Division of Administrative Hearings shall not receive a portion of the fee unless the petition for certification modification is referred to the Division of Administrative Hearings for hearing. If the petition is so referred, only $10,000 of the fee shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services. ~~The fee for a modification by agreement filed pursuant to s. 403.516(1)(b) shall be $10,000 to be paid upon the filing of the request for modification. Any sums remaining after payment of authorized costs shall be refunded to the applicant within 90 days of issuance or denial of the modification or withdrawal of the request for modification.~~

(4)~~(d)~~ A supplemental application fee, not to exceed $75,000, to cover all reasonable expenses and costs of the review, processing, and proceedings of a supplemental application. This fee shall be established, disbursed, and processed in the same manner as the certification application fee in subsection (2) ~~paragraph (b), except that only $20,000 of the fee shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services~~.

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

~~(2) Effective upon the date commercial operation begins, the operator of an electrical power plant certified under this part is required to pay to the~~

~~department an annual operation license fee as specified in s. 403.0872(11) to be deposited in the Air Pollution Control Trust Fund.~~

Section 42. Any application for electrical power plant certification filed pursuant to ss. 403.501-403.518, Florida Statutes, shall be processed under the provisions of the law applicable at the time the application was filed, except that the provisions relating to cancellation of the certification hearing under s. 403.508(6), Florida Statutes, the provisions relating to the final disposition of the application and issuance of the written order by the secretary under s. 403.509(1)(a), Florida Statutes, and notice of the cancellation of the certification hearing under s. 403.5115, Florida Statutes, may apply to any application for electrical power plant certification.

Section 43. Section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.--

(1) On request by an applicant or on its own motion, the commission shall begin a proceeding to determine the need for an electrical power plant subject to the Florida Electrical Power Plant Siting Act.

(2) The applicant ~~commission~~ shall publish a notice of the proceeding in a newspaper of general circulation in each county in which the proposed electrical power plant will be located. The notice shall be at least one-quarter of a page and published at least 21 ~~45~~ days prior to the scheduled date for the proceeding. The commission shall publish notice of the proceeding in the manner specified by chapter 120 at least 21 days prior to the scheduled date for the proceeding.

(3) The commission shall be the sole forum for the determination of this matter, which accordingly shall not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the commission shall take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, and whether the proposed plant is the most cost-effective alternative available. The commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant and other matters within its jurisdiction which it deems relevant. The commission's determination of need for an electrical power plant shall create a presumption of public need and necessity and shall serve as the commission's report required by s. 403.507(4) ~~403.507(2)(a)2~~. An order entered pursuant to this section constitutes final agency action.

(4) In making its determination on a proposed electrical power plant using nuclear materials as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, and the need for adequate electricity at a reasonable cost.

(a) The applicant's petition shall include:

1. A description of the need for the generation capacity.

2. A description of how the proposed nuclear power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

3. A description of and a nonbinding estimate of the cost of the nuclear power plant.

4. The annualized base revenue requirement for the first 12 months of operation of the nuclear power plant.

5. Information on whether there were any discussions with any electric utilities regarding ownership of a portion of the plant by such electric utilities.

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

1. Provide needed base-load capacity.

2. Enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

3. Provide the most cost-effective source of power, taking into account the need to improve the balance of fuel diversity, reduce Florida's dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid.

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

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

(e) After a petition for determination of need for a nuclear power plant has been granted, the right of a utility to recover any costs incurred prior to commercial operation, including, but not limited to, costs associated with the siting, design, licensing, or construction of the plant, shall not be subject to challenge unless and only to the extent the commission finds, based on a preponderance of the evidence adduced at a hearing before the commission under s. 120.57, that certain costs were imprudently incurred. Proceeding with the construction of the nuclear power plant following an order by the commission approving the need for the nuclear power plant under this act shall not constitute or be evidence of imprudence. Imprudence shall not include any cost increases due to events beyond the utility's control. Further, a utility's right to recover costs associated with a nuclear power plant may not be raised in any other forum or in the review of proceedings in such other forum. Costs incurred prior to commercial operation shall be recovered pursuant to chapter 366.

Section 44. Section 366.93, Florida Statutes, is created to read:

366.93 Cost recovery for the siting, design, licensing, and construction of nuclear power plants.--

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

(a) "Cost" includes, but is not limited to, all capital investments, including rate of return, any applicable taxes, and all expenses, including operation and maintenance expenses, related to or resulting from the siting, licensing, design, construction, or operation of the nuclear power plant.

(b) "Electric utility" or "utility" has the same meaning as that provided in s. 366.8255(1)(a).

(c) "Nuclear power plant" or "plant" is an electrical power plant as defined in s. 403.503(12) that uses nuclear materials for fuel.

(d) "Preconstruction" is that period of time after a site has been selected through and including the date the utility completes site clearing work. Preconstruction costs shall be afforded deferred accounting treatment and shall accrue a carrying charge equal to the utility's allowance for funds during construction (AFUDC) rate until recovered in rates.

(2) Within 6 months after the enactment of this act, the commission shall establish, by rule, alternative cost recovery mechanisms for the recovery of costs incurred in the siting, design, licensing, and construction of a nuclear power plant. Such mechanisms shall be designed to promote utility investment in nuclear power plants and allow for the recovery in rates all prudently incurred costs, and shall include, but are not limited to:

(a) Recovery through the capacity cost recovery clause of any preconstruction costs.

(b) Recovery through an incremental increase in the utility's capacity cost recovery clause rates of the carrying costs on the utility's projected construction cost balance associated with the nuclear power plant. To encourage investment and provide certainty, for nuclear power plant need petitions submitted on or before December 31, 2010, associated carrying

costs shall be equal to the pretax AFUDC in effect upon this act becoming law. For nuclear power plants for which need petitions are submitted after December 31, 2010, the utility's existing pretax AFUDC rate is presumed to be appropriate unless determined otherwise by the commission in the determination of need for the nuclear power plant.

(3) After a petition for determination of need is granted, a utility may petition the commission for cost recovery as permitted by this section and commission rules.

(4) When the nuclear power plant is placed in commercial service, the utility shall be allowed to increase its base rate charges by the projected annual revenue requirements of the nuclear power plant based on the jurisdictional annual revenue requirements of the plant for the first 12 months of operation. The rate of return on capital investments shall be calculated using the utility's rate of return last approved by the commission prior to the commercial inservice date of the nuclear power plant. If any existing generating plant is retired as a result of operation of the nuclear power plant, the commission shall allow for the recovery, through an increase in base rate charges, of the net book value of the retired plant over a period not to exceed 5 years.

(5) The utility shall report to the commission annually the budgeted and actual costs as compared to the estimated inservice cost of the nuclear power plant provided by the utility pursuant to s. 403.519(4), until the commercial operation of the nuclear power plant. The utility shall provide such information on an annual basis following the final order by the commission approving the determination of need for the nuclear power plant, with the understanding that some costs may be higher than estimated and other costs may be lower.

(6) In the event the utility elects not to complete or is precluded from completing construction of the nuclear power plant, the utility shall be allowed to recover all prudent preconstruction and construction costs incurred following the commission's issuance of a final order granting a determination of need for the nuclear power plant. The utility shall recover such costs through the capacity cost recovery clause over a period equal to the period during which the costs were incurred or 5 years, whichever is greater. The unrecovered balance during the recovery period will accrue interest at the utility's weighted average cost of capital as reported in the commission's earnings surveillance reporting requirement for the prior year.

Section 45. Section 403.52, Florida Statutes, is amended to read:

403.52 Short title.--Sections 403.52-403.5365 may be cited as the "Florida Electric Transmission Line Siting Act."

Section 46. Section 403.521, Florida Statutes, is amended to read:

403.521 Legislative intent.--The legislative intent of this act is to establish a centralized and coordinated licensing ~~permitting~~ process for the location of electric transmission line corridors and the construction, operation, and maintenance of electric transmission lines, which are critical infrastructure facilities. This necessarily involves several broad interests of the public addressed through the subject matter jurisdiction of several agencies. The Legislature recognizes that electric transmission lines will have an effect upon the reliability of the electric power system, the environment, land use, and the welfare of the population. Recognizing the need to ensure electric power system reliability and integrity, and in order to meet electric ~~electrical~~ energy needs in an orderly and timely fashion, the centralized and coordinated licensing ~~permitting~~ process established by this act is intended to further the legislative goal of ensuring through available and reasonable methods that the location of transmission line corridors and the construction, operation, and maintenance of electric transmission lines produce minimal adverse effects on the environment and public health, safety, and welfare ~~while not unduly conflicting with the goals established by the applicable local comprehensive plan~~. It is the intent of this act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing reliable, economical, and efficient electric ~~abundant low-cost electrical~~ energy and the impact on the public and the environment resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines. The Legislature intends that the provisions of chapter 120 apply to this act and to proceedings under ~~pursuant to~~ it except as otherwise expressly exempted by other provisions of this act.

Section 47. Section 403.522, Florida Statutes, is amended to read:

403.522 Definitions relating to the Florida Electric Transmission Line Siting Act.--As used in this act:

(1) "Act" means the Florida Electric Transmission Line Siting Act.

(2) "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government, including a county, municipality, or other regional or local governmental entity.

(3) "Amendment" means a material change in information provided by the applicant to the application for certification made after the initial application filing.

(4) "Applicant" means any electric utility that ~~which~~ applies for certification under ~~pursuant to the provisions of~~ this act.

(5) "Application" means the documents required by the department to be filed to initiate and support a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the department for additional data and information ~~proceeding~~. An electric utility may file a comprehensive application encompassing all or a part of one or more proposed transmission lines.

(6) "Board" means the Governor and Cabinet sitting as the siting board.

(7) "Certification" means the approval by the board of the license for a corridor proper for certification pursuant to subsection (10) and the construction, operation, and maintenance of transmission lines within the ~~such~~ corridor with the ~~such~~ changes or conditions as the siting board deems appropriate. Certification shall be evidenced by a written order of the board.

(8) "Commission" means the Florida Public Service Commission.

(9) "Completeness" means that the application has addressed all applicable sections of the prescribed application format and~~, but does not mean~~ that those sections are sufficient in comprehensiveness of data or in quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.526.

(10) "Corridor" means the proposed area within which a transmission line right-of-way, including maintenance and access roads, is to be located. The width of the corridor proposed for certification by an applicant or other party, at the option of the applicant, may be the width of the transmission line right-of-way, or a wider boundary, not to exceed a width of 1 mile. The area within the corridor in which a right-of-way may be located may be further restricted by a condition of certification. After all property interests required for the transmission line right-of-way and maintenance and access roads have been acquired by the applicant, the boundaries of the area certified shall narrow to only that land within the boundaries of the transmission line right-of-way. The corridors proper for certification shall be those addressed in the application, in amendments to the application filed under ~~pursuant to~~ s. 403.5275, and in notices of acceptance of proposed alternate corridors filed by an applicant and the department pursuant to s. 403.5271 for which the required ~~sufficient~~ information for the preparation of agency supplemental reports was filed.

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

(12) "Electric utility" means cities and towns, counties, public utility districts, regulated electric companies, electric cooperatives, regional transmission organizations, operators of independent transmission systems, or other transmission organizations approved by the Federal Energy Regulatory Commission or the commission for the operation of transmission facilities, and joint operating agencies, or combinations thereof, engaged in, or authorized to engage in, the business of generating, transmitting, or distributing electric energy.

(13) "License" means a franchise, permit, certification, registration, charter, comprehensive plan amendment, development order, or permit as defined in chapters 163 and 380, or similar form of authorization required by law, but it does not include a license required primarily for revenue purposes when issuance of the license is merely a ministerial act.

(14) "Licensee" means an applicant that has obtained a certification order for the subject project.

(15)~~(14)~~ "Local government" means a municipality or county in the jurisdiction of which the project is proposed to be located.

(16) "Maintenance and access roads" mean roads constructed within the transmission line right-of-way. Nothing in this act prohibits an applicant from

constructing a road to support construction, operation, or maintenance of the transmission line that lies outside the transmission line right-of-way.

(17)~~(15)~~ "Modification" means any change in the certification order after issuance, including a change in the conditions of certification.

(18)~~(16)~~ "Nonprocedural requirements of agencies" means any agency's regulatory requirements established by statute, rule, ordinance, or comprehensive plan, excluding any provisions prescribing forms, fees, procedures, or time limits for the review or processing of information submitted to demonstrate compliance with such regulatory requirements.

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

(20)~~(18)~~ "Preliminary statement of issues" means a listing and explanation of those issues within the agency's jurisdiction which are of major concern to the agency in relation to the proposed electric ~~electrical~~ transmission line corridor.

(21)~~(19)~~ "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the project is proposed to be located.

~~(20) "Sufficiency" means that the application is not only complete but that all sections are adequate in the comprehensiveness of data and in the quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports authorized by s. 403.526.~~

(22)~~(21)~~ "Transmission line" or "electric transmission line" means structures, maintenance and access roads, and all other facilities that need to be constructed, operated, or maintained for the purpose of conveying electric power ~~any electrical transmission line~~ extending from, but not including, an existing or proposed substation or power plant to, but not including, an existing or proposed transmission network or rights-of-way or substation to which the applicant intends to connect which defines the end of the proposed project and which is designed to operate at 230 kilovolts or more. ~~The starting point and ending point of a transmission line must be specifically defined by the applicant and must be verified by the commission in its determination of need. A transmission line includes structures and maintenance and access roads that need to be constructed for the project to become operational.~~ The transmission line may include, at the applicant's option, any proposed terminal or intermediate substations or substation expansions necessary to serve the transmission line.

(23)~~(22)~~ "Transmission line right-of-way" means land necessary for the construction, operation, and maintenance of a transmission line. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant ~~subsequent to certification~~ in documents filed with the department before ~~prior to~~ construction.

(24)~~(23)~~ "Water management district" means a water management district created pursuant to chapter 373 in the jurisdiction of which the project is proposed to be located.

Section 48. Section 403.523, Florida Statutes, is amended to read:

403.523 Department of Environmental Protection; powers and duties.--The department has ~~shall have~~ the following powers and duties:

(1) To adopt procedural rules pursuant to ss. 120.536(1) and 120.54 to administer ~~implement the provisions of~~ this act and to adopt or amend rules to implement the provisions of subsection (10).

(2) To prescribe the form and content of the public notices and the form, content, and necessary supporting documentation, and any required studies, for certification applications. All ~~such~~ data and studies shall be related to the jurisdiction of the agencies relevant to the application.

(3) To receive applications for transmission line and corridor certifications and initially determine the completeness ~~and sufficiency~~ thereof.

(4) To make or contract for studies of certification applications. All ~~such~~ studies shall be related to the jurisdiction of the agencies relevant to the application. For studies in areas outside the jurisdiction of the department and in the jurisdiction of another agency, the department may initiate such studies, but only with the consent of the ~~such~~ agency.

(5) To administer the processing of applications for certification and ensure that the applications, including postcertification reviews, are processed on an expeditious and priority basis ~~as expeditiously as possible~~.

(6) To collect and process ~~require~~ such fees as allowed by this act.

(7) To prepare a report and project ~~written~~ analysis as required by s. 403.526.

(8) To prescribe the means for monitoring the effects arising from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines to assure continued compliance with the terms of the certification.

(9) To make a determination of acceptability of any alternate corridor proposed for consideration under ~~pursuant to~~ s. 403.5271.

(10) To set requirements that reasonably protect the public health and welfare from the electric and magnetic fields of transmission lines for which an application is filed under ~~after the effective date of~~ this act.

(11) To present rebuttal evidence on any issue properly raised at the certification hearing.

(12) To issue final orders after receipt of the administrative law judge's order relinquishing jurisdiction pursuant to s. 403.527(6).

(13) To act as clerk for the siting board.

(14) To administer and manage the terms and conditions of the certification order and supporting documents and records for the life of the facility.

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

Section 49. Section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; ~~and~~ certification; exemptions.--

(1) ~~The provisions of~~ This act applies ~~apply~~ to each transmission line, except a transmission line certified under ~~pursuant to~~ the Florida Electrical Power Plant Siting Act.

(2) Except as provided in subsection (1), ~~no~~ construction of a ~~any~~ transmission line may not be undertaken without first obtaining certification under this act, but ~~the provisions of~~ this act does ~~do~~ not apply to:

(a) Transmission lines for which development approval has been obtained under ~~pursuant to~~ chapter 380.

(b) Transmission lines that ~~which~~ have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of Community Affairs or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20).

(c) Transmission line development in which all construction is limited to established rights-of-way. Established rights-of-way include ~~such~~ rights-of-way established at any time for roads, highways, railroads, gas, water, oil, electricity, or sewage and any other public purpose rights-of-way. If an established transmission line right-of-way is used to qualify for this exemption, the transmission line right-of-way must have been established at least 5 years before notice of the start of construction under subsection (4) of the proposed transmission line. If an established transmission line right-of-way is relocated to accommodate a public project, the date the original transmission line right-of-way was established applies to the relocated transmission line right-of-way for purposes of this exemption. ~~Except for transmission line rights-of-way, established rights-of-way include rights-of-way created before or after October 1, 1983. For transmission line rights-of-way, established rights-of-way include rights-of-way created before October 1, 1983.~~

(d) Unless the applicant has applied for certification under this act, transmission lines that ~~which~~ are less than 15 miles in length or are located in a single ~~which do not cross a~~ county within the state ~~line, unless the applicant has elected to apply for certification under the act~~.

(3) The exemption of a transmission line under this act does not constitute an exemption for the transmission line from other applicable permitting processes under other provisions of law or local government ordinances.

(4) An electric ~~A~~ utility shall notify the department in writing, before ~~prior to~~ the start of construction, of its intent to construct a transmission line exempted under ~~pursuant to~~ this section. The ~~Such~~ notice is ~~shall be~~ only for information purposes, and ~~no~~ action by the department is not ~~shall be~~ required pursuant to the ~~such~~ notice. This notice may be included in any submittal filed

with the department before the start of construction demonstrating that a new transmission line complies with the applicable electric and magnetic field standards.

Section 50. Section 403.525, Florida Statutes, is amended to read:

403.525 ~~Appointment of~~ Administrative law judge; appointment; powers and duties.--

(1)(a) Within 7 days after receipt of an application, whether complete or not, the department shall request the Division of Administrative Hearings to designate an administrative law judge to conduct the hearings required by this act.

(b) The division director shall designate an administrative law judge to conduct the hearings required by this act within 7 days after receipt of the request from the department. Whenever practicable, the division director shall assign an administrative law judge who has had prior experience or training in this type of certification proceeding.

(c) Upon being advised that an administrative law judge has been designated, the department shall immediately file a copy of the application and all supporting documents with the administrative law judge, who shall docket the application.

(2) The administrative law judge has all powers and duties granted to administrative law judges under chapter 120 and by the laws and rules of the department.

Section 51. Section 403.5251, Florida Statutes, is amended to read:

403.5251 ~~Distribution of~~ Application; schedules.--

(1)(a) The formal date of the filing of the application for certification and commencement of the review process for certification is the date on which the applicant submits:

1. Copies of the application for certification in a quantity and format, electronic or otherwise as prescribed by rule, to the department and other agencies identified in s. 403.526(2).

2. The application fee as specified under s. 403.5365 to the department.

The department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional agencies or persons entitled to notice and copies of the application and amendments, if any, within 7 days after receiving the application for certification and the application fees.

(b) In the application, the starting point and ending point of a transmission line must be specifically defined by the applicant. ~~Within 7 days after the filing of an application, the department shall provide the applicant and the Division of Administrative Hearings the names and addresses of those affected or other agencies entitled to notice and copies of the application and any amendments.~~

(2) Within 15 ~~7~~ days after the formal date of the application filing ~~completeness has been determined~~, the department shall prepare a proposed schedule of dates for determination of completeness, submission of statements of issues, ~~determination of sufficiency, and~~ submittal of final reports, ~~from affected and other agencies~~ and other significant dates to be followed during the certification process, including dates for filing notices of appearances to be a party under s. 403.527(2) ~~pursuant to s. 403.527(4)~~. This schedule shall be provided by the department to the applicant, the administrative law judge, and the agencies identified under ~~pursuant to~~ subsection (1). Within 7 days after the filing of this proposed schedule, the administrative law judge shall issue an order establishing a schedule for the matters addressed in the department's proposed schedule and other appropriate matters, if any.

(3) ~~Within 7 days after completeness has been determined, the applicant shall distribute copies of the application to all agencies identified by the department pursuant to subsection (1).~~ Copies of changes and amendments to the application shall be timely distributed by the applicant to all agencies and parties who have received a copy of the application.

(4) Notice of the filing of the application shall be made in accordance with the requirements of s. 403.5363.

Section 52. Section 403.5252, Florida Statutes, is amended to read:

403.5252 Determination of completeness.--

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

(b) Within 7 ~~15~~ days after receipt of the completeness statements of each agency ~~an application~~, the department shall file a statement with the Division of Administrative Hearings, ~~and~~ with the applicant, and with all parties declaring its position with regard to the completeness~~, not the sufficiency,~~ of the application. The statement of the department shall be based upon its consultation with the affected agencies.

(2)~~(1)~~ If the department declares the application to be incomplete, the applicant, within 14 ~~15~~ days after the filing of the statement by the department, shall file with the Division of Administrative Hearings, with all parties, and with the department ~~a statement~~:

(a) A withdrawal of ~~Agreeing with the statement of the department and withdrawing~~ the application;

(b) Additional information necessary to make the application complete. After the department first determines the application to be incomplete, the time schedules under this act are not tolled if the applicant makes the application complete within the 14-day period. A subsequent finding by the department that the application remains incomplete tolls the time schedules under this act until the application is determined complete; ~~Agreeing with the statement of the department and agreeing to amend the application without withdrawing it. The time schedules referencing a complete application under this act shall not commence until the application is determined complete; or~~

(c) A statement contesting the department's determination of incompleteness; or ~~statement of the department.~~

(d) A statement agreeing with the department and requesting additional time to provide the information necessary to make the application complete. If the applicant exercises this option, the time schedules under this act are tolled until the application is determined complete.

(3)(a)~~(2)~~ If the applicant contests the determination by the department that an application is incomplete, the administrative law judge shall schedule a hearing on the statement of completeness. The hearing shall be held as expeditiously as possible, but not later than 21 ~~30~~ days after the filing of the statement by the department. The administrative law judge shall render a decision within 7 ~~10~~ days after the hearing.

(b) Parties to a hearing on the issue of completeness shall include the applicant, the department, and any agency that has jurisdiction over the matter in dispute. Any substantially affected person who wishes to become a party to the hearing on the issue of completeness must file a motion no later than 10 days before the date of the hearing.

(c)~~(a)~~ If the administrative law judge determines that the application was not complete ~~as filed~~, the applicant shall withdraw the application or make such additional submittals as necessary to complete it. The time schedules referencing a complete application under this act do ~~shall~~ not commence until the application is determined complete.

(d)~~(b)~~ If the administrative law judge determines that the application was complete at the time it was declared incomplete ~~filed~~, the time schedules referencing a complete application under this act shall commence upon such determination.

(4) If the applicant provides additional information to address the issues identified in the determination of incompleteness, each affected agency may submit to the department, no later than 14 days after the applicant files the additional information, a recommendation on whether the agency believes the application is complete. Within 21 days after receipt of the additional information from the applicant submitted under paragraphs (2)(b), (2)(d), or (3)(c) and considering the recommendations of the affected agencies, the department shall determine whether the additional information supplied by an applicant makes the application complete. If the department finds that the application is still incomplete, the applicant may exercise any of the options specified in subsection (2) as often as is necessary to resolve the dispute.

Section 53. Section 403.526, Florida Statutes, is amended to read:

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

(1) Each affected agency that is required to file a report ~~which received an application~~ in accordance with this section ~~s. 403.5251(3)~~ shall submit a preliminary statement of issues to the department and all parties ~~the applicant~~ no later than 50 ~~60~~ days after the filing ~~distribution~~ of the ~~complete~~

application. Such statements of issues shall be made available to each local government for use as information for public meetings held under ~~pursuant to~~ s. 403.5272. The failure to raise an issue in this preliminary statement of issues does ~~shall~~ not preclude the issue from being raised in the agency's report.

(2)(a) The following ~~affected~~ agencies shall prepare reports as provided below and shall submit them to the department and the applicant no later than ~~within~~ 90 days after the filing ~~distribution~~ of the ~~complete~~ application:

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

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

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

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

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A ~~No~~ change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not ~~shall be~~ applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

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

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

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

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

(b) Each report must ~~shall~~ contain:

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

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

3. The ~~information on variances required by s. 403.531(2) and~~ proposed conditions of certification on matters within the jurisdiction of each agency. For each condition proposed by an agency, the agency shall list the specific statute, rule, or ordinance, as applicable, which authorizes the proposed condition.

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

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

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

(3) The department shall prepare a project ~~written~~ analysis containing ~~which contains~~ a compilation of agency reports and summaries of the material contained therein which shall be filed with the administrative law judge and served on all parties no later than 115 ~~135~~ days after the application is filed ~~complete application has been distributed to the affected agencies~~, and which shall include:

(a) A statement indicating whether the proposed electric transmission line will be in compliance with the rules of the department and affected agencies.

(b)~~(a)~~ The studies and reports required by this section and s. 403.537.

(c)~~(b)~~ Comments received from any other agency or person.

(d)~~(c)~~ The recommendation of the department as to the disposition of the application, of variances, exemptions, exceptions, or other relief identified by any party, and of any proposed conditions of certification which the department believes should be imposed.

(4) The failure of any agency to submit a preliminary statement of issues or a report, or to submit its preliminary statement of issues or report within the allowed time, is ~~shall~~ not ~~be~~ grounds for the alteration of any time limitation in this act under ~~pursuant to~~ s. 403.528. ~~Neither~~ The failure to submit a preliminary statement of issues or a report, or ~~nor~~ the inadequacy of the preliminary statement of issues or report, are not ~~shall be~~ grounds to deny or condition certification.

Section 54. Section 403.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 403.527, F.S., for present text.)

403.527 Certification hearing, parties, participants.--

(1)(a) No later than 145 days after the application is filed, the administrative law judge shall conduct a certification hearing pursuant to ss. 120.569 and 120.57 at a central location in proximity to the proposed transmission line or corridor.

(b) Notice of the certification hearing and other public hearings provided for in this section and notice of the deadline for filing of notice of intent to be a party shall be made in accordance with the requirements of s. 403.5363.

(2)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of Community Affairs.

5. The Fish and Wildlife Conservation Commission.

6. The Department of Transportation.

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

8. The local government.

9. The regional planning council.

(b) Any party listed in paragraph (a), other than the department or the applicant, may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th day before the certification hearing, the party is deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party by an agency, corporation, or association described in subparagraphs 1. and 2. or a petition for intervention by a person described in subparagraph 3. no later than

30 days before the date set for the certification hearing, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located.

3. Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding.

(3)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including regional planning councils and water management districts.

5. Local governments.

6. Other parties.

(b) When appropriate, any person may be given an opportunity to present oral or written communications to the administrative law judge. If the administrative law judge proposes to consider such communications, all parties shall be given an opportunity to cross-examine, challenge, or rebut the communications.

(4) One public hearing where members of the public who are not parties to the certification hearing may testify shall be held within the boundaries of each county, at the option of any local government.

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

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

(c) If a local government does not request a public hearing within 21 days after the application has been determined complete, persons residing within the jurisdiction of the local government may testify during that portion of the certification hearing at which public testimony is heard.

(5) At the conclusion of the certification hearing, the administrative law judge shall, after consideration of all evidence of record, issue a recommended order disposing of the application no later than 45 days after the transcript of the certification hearing and the public hearings is filed with the Division of Administrative Hearings.

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

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

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

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

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

(7) The applicant shall pay those expenses and costs associated with the conduct of the hearing and the recording and transcription of the proceedings.

Section 55. Section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.--

(1) No later than 45 ~~50~~ days before ~~prior to~~ the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under ~~pursuant to~~ the provisions of this act.

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

(b)1. Within 7 days after receipt of the ~~such~~ notice, the applicant and the department shall file with the administrative law judge and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected ~~either~~ by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

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

(c) Notice of the filing of the alternate corridor, of the revised time schedules, of the deadline for newly affected persons and agencies to file notice of intent to become a party, of the rescheduled hearing date, and of the proceedings ~~pursuant to s. 403.527(1)(b) and (c)~~ shall be published in accordance with s. 403.5363.

(d) Within 21 ~~25~~ days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all ~~additional~~ data to the agencies listed in s. 403.526(2) and newly affected agencies ~~s. 403.526~~ necessary for the preparation of a supplementary report on the proposed alternate corridor.

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

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

3. If the department, within 14 days after receiving the additional data, determines that the data remains incomplete, the incompleteness of the data is deemed a withdrawal of the proposed alternate corridor. The department may make its determination based on recommendations made by other affected agencies. ~~If the department determines within 15 days that this additional data is insufficient, the party proposing the alternate corridor shall file such additional data that corrects the insufficiency within 15 days after the filing of the department's determination. If such additional data is determined insufficient, such insufficiency of data shall be deemed a withdrawal of the proposed alternate corridor. The party proposing an alternate corridor shall have the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(4). Nothing in this act shall be~~

~~construed as requiring the applicant or agencies not proposing the alternate corridor to submit data in support of such alternate corridor.~~

(f) The agencies listed in s. 403.526(2) and any newly affected agencies ~~s. 403.526~~ shall file supplementary reports with the applicant and the department which address ~~addressing~~ the proposed alternate corridors no later than 24 ~~60~~ days after the ~~additional~~ data ~~is~~ submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

(g) The agency reports on alternate corridors must include all information required by s. 403.526(2) ~~agencies shall submit supplementary notice pursuant to s. 403.531(2) at the time of filing of their supplemental report~~.

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

(i)~~(h)~~ The department shall file with the administrative law judge, the applicant, and all parties a project ~~prepare a written~~ analysis consistent with s. 403.526(3) no more than 16 ~~at least 29~~ days after submittal of agency reports on ~~prior to the rescheduled certification hearing addressing~~ the proposed alternate corridor.

(2) If the original certification hearing date is rescheduled, the rescheduling shall not provide the opportunity for parties to file additional alternate corridors to the applicant's proposed corridor or any accepted alternate corridor. However, an amendment to the application which changes the alignment of the applicant's proposed corridor shall require rescheduling of the certification hearing, if necessary, so as to allow time for a party to file alternate corridors to the realigned proposed corridor for which the application has been amended. Any ~~such~~ alternate corridor proposal shall have the same starting and ending points as the realigned portion of the corridor proposed by the applicant's amendment, provided that the administrative law judge for good cause shown may authorize another starting or ending point in the area of the applicant's amended corridor.

(3)(a) Notwithstanding the rejection of a proposed alternate corridor by the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. ~~No~~ Evidence may not ~~shall~~ be admitted at the certification hearing on any alternate corridor, unless the alternate corridor was proposed by the filing of a notice at least 45 ~~50~~ days before ~~prior to~~ the originally scheduled certification hearing pursuant to this section. Rejected alternate corridors shall be considered by the board as provided in s. 403.529(4) and (5).

(b) The party proposing an alternate corridor has the burden to prove that the alternate corridor can be certified at the certification hearing. This act does not require an applicant or agency that is not proposing the alternate corridor to submit data in support of the alternate corridor.

(4) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and the ~~such~~ corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(4) and (5), the board shall certify that corridor.

Section 56. Section 403.5272, Florida Statutes, is amended to read:

403.5272 ~~Local governments;~~ Informational public meetings.--

(1) A local government whose jurisdiction is to be crossed by a proposed corridor ~~governments~~ may hold one informational public meeting ~~meetings~~ in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. The ~~Such~~ informational public meeting may be conducted by the local government or the regional planning council and shall ~~meetings should~~ be held no later than 55 ~~80~~ days after the application is filed. The purpose of an informational public meeting is for the local government or regional planning council to further inform the ~~general~~ public about the transmission line proposed, obtain comments from the public, and formulate its recommendation with respect to the proposed transmission line.

(2) Informational public meetings shall be held solely at the option of each local government or regional planning council. It is the legislative intent that local governments or regional planning councils attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, a ~~no~~ party other than the applicant and the department is not ~~shall be~~ required to attend the ~~such~~ informational public meetings ~~hearings~~.

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

(4)~~(3)~~ The failure to hold an informational public meeting or the procedure used for the informational public meeting are ~~shall~~ not ~~be~~ grounds for the alteration of any time limitation in this act under ~~pursuant to~~ s. 403.528 or grounds to deny or condition certification.

Section 57. Section 403.5275, Florida Statutes, is amended to read:

403.5275 Amendment to the application.--

(1) Any amendment made to the application before certification shall be sent by the applicant to the administrative law judge and to all parties to the proceeding.

(2) Any amendment to the application made before ~~prior to~~ certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered "good cause" for alteration of time limits pursuant to s. 403.528.

Section 58. Section 403.528, Florida Statutes, is amended to read:

403.528 Alteration of time limits.--

(1) Any time limitation in this act may be altered by the administrative law judge upon stipulation between the department and the applicant unless objected to by any party within 5 days after notice or for good cause shown by any party.

(2) A comprehensive application encompassing more than one proposed transmission line may be good cause for alternation of time limits.

Section 59. Section 403.529, Florida Statutes, is amended to read:

403.529 Final disposition of application.--

(1)(a) If the administrative law judge has granted a request to cancel the certification hearing and has relinquished jurisdiction to the department under s. 403.527(6), within 40 days thereafter, the secretary of the department shall act upon the application by written order in accordance with the terms of this act and state the reasons for issuance or denial.

(b) If the administrative law judge does not grant a request to cancel the certification hearing under the provisions of s. 403.527(6) within 60 ~~30~~ days after receipt of the administrative law judge's recommended order, the board shall act upon the application by written order, approving in whole, approving with such conditions as the board deems appropriate, or denying the certification and stating the reasons for issuance or denial.

(2) The issues that may be raised in any hearing before the board shall be limited to matters raised in the certification proceeding before the administrative law judge or raised in the recommended order of the administrative law judge. All parties, or their representatives, or persons who appear before the board shall be subject to ~~the provisions of~~ s. 120.66.

(3) If certification is denied, the board, or secretary if applicable, shall set forth in writing the action the applicant would have to take to secure the approval of the application ~~by the board~~.

(4) In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board, or secretary when applicable, shall consider whether, and the extent to which, the location of the transmission line corridor and the construction, operation, and maintenance of the transmission line will:

(a) Ensure electric power system reliability and integrity;

(b) Meet the electrical energy needs of the state in an orderly, economical, and timely fashion;

(c) Comply with applicable nonprocedural requirements of agencies;

(d) Be consistent with applicable provisions of local government comprehensive plans, if any; and

(e) Effect a reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by the commission, under s. 403.537, ~~abundant low cost electrical energy~~ and the impact upon the public and the environment

resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines.

(5)(a) Any transmission line corridor certified by the board, or secretary if applicable, shall meet the criteria of this section. When more than one transmission line corridor is proper for certification under ~~pursuant to~~ s. 403.522(10) and meets the criteria of this section, the board, or secretary if applicable, shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (4), including costs.

(b) If the board, or secretary if applicable, finds that an alternate corridor rejected pursuant to s. 403.5271 meets the criteria of subsection (4) and has the least adverse impact regarding the criteria in subsection (4), including cost, of all corridors that meet the criteria of subsection (4), ~~then~~ the board, or secretary if applicable, shall deny certification or shall allow the applicant to submit an amended application to include the ~~such~~ corridor.

(c) If the board, or secretary if applicable, finds that two or more of the corridors that comply with ~~the provisions of~~ subsection (4) have the least adverse impacts regarding the criteria in subsection (4), including costs, and that the ~~such~~ corridors are substantially equal in adverse impacts regarding the criteria in subsection (4), including costs, ~~then~~ the board, or secretary if applicable, shall certify the corridor preferred by the applicant if the corridor is one proper for certification under ~~pursuant to~~ s. 403.522(10).

(6) The issuance or denial of the certification is ~~by the board shall be~~ the final administrative action required as to that application.

Section 60. Section 403.531, Florida Statutes, is amended to read:

403.531 Effect of certification.--

(1) Subject to the conditions set forth therein, certification shall constitute the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction, operation, and maintenance of transmission lines. The certification is ~~shall be~~ valid for the life of the transmission line, if ~~provided that~~ construction on, or condemnation or acquisition of, the right-of-way is commenced within 5 years after ~~of~~ the date of certification or such later date as may be authorized by the board.

(2)(a) The certification authorizes ~~shall authorize~~ the licensee ~~applicant~~ to locate the transmission line corridor and to construct and maintain the transmission lines subject only to the conditions of certification set forth in the ~~such~~ certification.

(b) The certification may include conditions that ~~which~~ constitute variances and exemptions from nonprocedural standards or rules ~~regulations~~ of the department or any other agency~~,~~ which were expressly considered during the certification review ~~proceeding~~ unless waived by the agency as provided in s. 403.526 ~~below~~ and which otherwise would be applicable to the location of the proposed transmission line corridor or the construction, operation, and maintenance of the transmission lines. ~~Each party shall notify the applicant and other parties at the time scheduled for the filing of the agency reports of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any corridor proposed for certification. Failure of such notification shall be treated as a waiver from the nonprocedural requirements of that agency.~~

(3)(a) The certification shall be in lieu of any license, permit, certificate, or similar document required by any state, regional, or local agency under ~~pursuant to~~, but not limited to, chapter 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter 253, chapter 258, chapter 298, chapter 370, chapter 372, chapter 373, chapter 376, chapter 380, chapter 381, ~~chapter 387,~~ chapter 403, chapter 404, the Florida Transportation Code, or 33 U.S.C. s. 1341.

(b) On certification, any license, easement, or other interest in state lands, except those the title of which is vested in the Board of Trustees of the Internal Improvement Trust Fund, shall be issued by the appropriate agency as a ministerial act. The applicant shall ~~be required to~~ seek any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the board of trustees before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest in realty. However, ~~neither~~ the applicant and ~~nor~~ any party to the certification proceeding may not directly or indirectly raise or relitigate any matter that ~~which~~ was or could have been an issue in the certification proceeding in any proceeding before the Board of Trustees of the Internal Improvement Trust Fund wherein the applicant is seeking a necessary interest in state lands, but the information presented in the certification proceeding shall be available for review by the board of trustees and its staff.

(4) This act does ~~shall~~ not in any way affect the ratemaking powers of the commission under chapter 366. This act does ~~shall also~~ not in any way affect the right of any local government to charge appropriate fees or require that construction be in compliance with the National Electrical Safety Code, as prescribed by the commission.

(5) A ~~No~~ term or condition of certification may not ~~shall~~ be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings.

Section 61. Section 403.5312, Florida Statutes, is amended to read:

403.5312 Filing ~~Recording~~ of notice of certified corridor route.--

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

(2) The notice must ~~shall~~ consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and must ~~shall~~ state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. Each clerk shall record the filing in the official record of the county for the duration of the certification or until such time as the applicant certifies to the department and the clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within the ~~such~~ county, whichever is sooner.

(3) The recording of this notice does ~~shall~~ not constitute a lien, cloud, or encumbrance on real property.

Section 62. Section 403.5315, Florida Statutes, is amended to read:

403.5315 Modification of certification.--A certification may be modified after issuance in any one of the following ways:

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

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

(a) A petition for modification must set forth:

1. The proposed modification;

2. The factual reasons asserted for the modification; and

3. The anticipated additional environmental effects of the proposed modification.

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

(c) If objections are raised or the department denies the proposed modification, the licensee may file a request for hearing on the modification with the department. Such a request shall be handled pursuant to chapter 120.

(d) A request for hearing referred to the Division of Administrative Hearings shall be disposed of in the same manner as an application but with time periods established by the administrative law judge commensurate with the significance of the modification requested. ~~If objections are raised, the applicant may file a petition for modification pursuant to subsection (3).~~

~~(3) The applicant or the department may file a petition for modification with the department and the Division of Administrative Hearings setting forth:~~

~~(a) The proposed modification;~~

~~(b) The factual reasons asserted for the modification; and~~

~~(c) The anticipated additional environmental effects of the proposed modification.~~

~~(4) Petitions filed pursuant to subsection (3) shall be disposed of in the same manner as an application but with time periods established by the administrative law judge commensurate with the significance of the modification requested.~~

Section 63. Section 403.5317, Florida Statutes, is created to read:

403.5317 Postcertification activities.--

(1)(a) If, subsequent to certification, a licensee proposes any material change to the application or prior amendments, the licensee shall submit to the department a written request for amendment and description of the proposed change to the application. The department shall, within 30 days after the receipt of the request for the amendment, determine whether the proposed change to the application requires a modification of the conditions of certification.

(b) If the department concludes that the change would not require a modification of the conditions of certification, the department shall notify, in writing, the licensee, all agencies, and all parties of the approval of the amendment.

(c) If the department concludes that the change would require a modification of the conditions of certification, the department shall notify the licensee that the proposed change to the application requires a request for modification under s. 403.5315.

(2) Postcertification submittals filed by a licensee with one or more agencies are for the purpose of monitoring for compliance with the issued certification. Each submittal must be reviewed by each agency on an expedited and priority basis because each facility certified under this act is a critical infrastructure facility. Postcertification review may not be completed more than 90 days after complete information for a segment of the certified transmission line is submitted to the reviewing agencies.

Section 64. Section 403.5363, Florida Statutes, is created to read:

403.5363 Public notices; requirements.--

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

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

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

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

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

1. The notice of the filing of an application, which must include a description of the proceedings required by this act. The notice must describe the provisions of s. 403.531(1) and (2) and give the date by which notice of intent to be a party or a petition to intervene in accordance with s. 403.527(2) must be filed. This notice must be published no more than 21 days after the application is filed.

2. The notice of the certification hearing and any other public hearing permitted under s. 403.527. The notice must include the date by which a person wishing to appear as a party must file the notice to do so. The notice of the certification hearing must be published at least 65 days before the date set for the certification hearing.

3. The notice of the cancellation of the certification hearing, if applicable. The notice must be published at least 3 days before the date of the originally scheduled certification hearing.

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

(2) The proponent of an alternate corridor shall arrange for the publication of the filing of the proposal for an alternate corridor, the revised time schedules, the date by which newly affected persons or agencies may file the notice of intent to become a party, and the date of the rescheduled hearing. A notice listed in this subsection must be published in a newspaper of general circulation within the county or counties crossed by the proposed alternate corridor and comply with the content requirements set forth in paragraph (1)(a). The notice must be published not less than 50 days before the rescheduled certification hearing.

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

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

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

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

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

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

Section 65. Section 403.5365, Florida Statutes, is amended to read:

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

(1) An application fee.

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

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

(c)~~(b)~~ The following percentage ~~Twenty percent of the fees specified under this section, except postcertification fees,~~ shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services:~~.~~

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

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

(d)1.~~(c)~~ Upon written request with proper itemized accounting within 90 days after final agency action by the siting board or the department or the withdrawal of the application, the agencies that prepared reports under s. 403.526 or s. 403.5271 or participated in a hearing under s. 403.527 or s. 403.5271 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must contain an accounting of expenses incurred, which may include time spent reviewing the application, ~~department shall reimburse the expenses and costs of the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the water management district, regional planning council, and local government in the jurisdiction of which the transmission line is to be located. Such reimbursement shall be authorized for the~~ preparation of any studies required of the agencies by this act, ~~and for~~ agency travel and per diem to attend any hearing held under ~~pursuant to~~ this act, and for the local government or regional planning council providing additional notice of the informational public meeting. The department shall review the request and verify whether a claimed expense is valid. Valid expenses shall be reimbursed; however, if ~~to participate in the proceedings. In the event~~ the amount of funds available for reimbursement ~~allocation~~ is insufficient to

provide for full compensation ~~complete reimbursement~~ to the agencies, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement under subparagraph 1.

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

(2) An amendment fee.

(a) If no corridor alignment change is proposed by the amendment, no amendment fee shall be charged.

(b) If a corridor alignment change under s. 403.5275 is proposed by the applicant, an additional fee of a minimum of $2,000 and $750 per mile shall be submitted to the department for use in accordance with this act.

(c) If an amendment is required to address issues, including alternate corridors under ~~pursuant to~~ s. 403.5271, raised by the department or other parties, no fee for the ~~such~~ amendment shall be charged.

(3) A certification modification fee.

(a) If no corridor alignment change is proposed by the licensee ~~applicant~~, the modification fee shall be $4,000.

(b) If a corridor alignment change is proposed by the licensee ~~applicant~~, the fee shall be $1,000 for each mile of realignment plus an amount not to exceed $10,000 to be fixed by rule on a sliding scale based on the load-carrying capability and configuration of the transmission line for use in accordance with subsection (1) ~~(2)~~.

Section 66. Subsection (1) of section 403.537, Florida Statutes, is amended to read:

403.537 Determination of need for transmission line; powers and duties.--

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365. The ~~Such~~ notice shall be published at least 21 ~~45~~ days before the date set for the hearing and shall be published by the applicant in at least one-quarter page size notice in newspapers of general circulation, and by the commission in the manner specified in chapter 120 ~~in the Florida Administrative Weekly~~, by giving notice to counties and regional planning councils in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(b) The commission shall be the sole forum in which to determine the need for a transmission line. The need for a transmission line may not be raised or be the subject of review in another proceeding.

(c)~~(b)~~ In the determination of need, the commission shall take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents ~~citizens~~ of this state, the appropriate starting and ending point of the line, and other matters within its jurisdiction deemed relevant to the determination of need. The appropriate starting and ending points of the electric transmission line must be verified by the commission in its determination of need.

(d)~~(c)~~ The determination by the commission of the need for the transmission line, as defined in s. 403.522(22) ~~s. 403.522(21)~~, is binding on all parties to any certification proceeding under ~~pursuant to~~ the Florida Electric Transmission Line Siting Act and is a condition precedent to the conduct of the certification hearing prescribed therein. An order entered pursuant to this section constitutes final agency action.

Section 67. Subsection (3) of section 373.441, Florida Statutes, is amended to read:

373.441 Role of counties, municipalities, and local pollution control programs in permit processing.--

(3) The department shall review environmental resource permit applications for electrical distribution and transmission lines and other facilities related to the production, transmission, and distribution of electricity which are not certified under ss. 403.52-403.5365, the Florida Electric Transmission Line Siting Act, regulated under this part.

Section 68. Subsection (30) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.--The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(30) Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in this chapter or any other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. However, nothing herein shall be construed as superseding or repealing the provisions of s. 403.523(1) and (10).

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 69. Paragraph (a) of subsection (3) of section 403.0876, Florida Statutes, is amended to read:

403.0876 Permits; processing.--

(3)(a) The department shall establish a special unit for permit coordination and processing to provide expeditious processing of department permits which the district offices are unable to process expeditiously and to provide accelerated processing of certain permits or renewals for economic and operating stability. The ability of the department to process applications under ~~pursuant to~~ this subsection in a more timely manner than allowed by subsections (1) and (2) is dependent upon the timely exchange of information between the applicant and the department and the intervention of outside parties as allowed by law. An applicant may request the processing of its permit application by the special unit if the application is from an area of high unemployment or low per capita income, is from a business or industry that is the primary employer within an area's labor market, or is in an industry with respect to which the complexities involved in the review of the application require special skills uniquely available in the headquarters office. The department may require the applicant to waive the 90-day time limitation for department issuance or denial of the permit once for a period not to exceed 90 days. The department may require a special fee to cover the direct cost of processing special applications in addition to normal permit fees and costs. The special fee may not exceed $10,000 per permit required. Applications for renewal permits, but not applications for initial permits, required for facilities pursuant to the Electrical Power Plant Siting Act or the Florida Electric Transmission Line Siting Act may be processed under this subsection. Personnel staffing the special unit shall have lengthy experience in permit processing.

Section 70. Paragraph (b) of subsection (3) of section 403.809, Florida Statutes, is amended to read:

403.809 Environmental districts; establishment; managers; functions.--

(3)

(b) The processing of all applications for permits, licenses, certificates, and exemptions shall be accomplished at the district center or the branch office, except for those applications specifically assigned elsewhere in the department under s. 403.805 or to the water management districts under s. 403.812 and those applications assigned by interagency agreement as provided in this act. However, the secretary, as head of the department, may not delegate to district or subdistrict managers, water management districts, or any unit of local government the authority to act on the following types of permit applications:

1. Permits issued under s. 403.0885, except such permit issuance may be delegated to district managers.

2. Construction of major air pollution sources.

3. Certifications under the Florida Electrical Power Plant Siting Act or the Florida Electric Transmission Line Siting Act and the associated permit issued under s. 403.0885, if applicable.

4. Permits issued under s. 403.0885 to steam electric generating facilities regulated pursuant to 40 C.F.R. part 423.

5. Permits issued under s. 378.901.

Section 71. Sections 403.5253 and 403.5369, Florida Statutes, are repealed.

Section 72. By November 1, 2006, the Department of Environmental Protection shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing the state's leadership by example in energy conservation and energy efficiency. The report must include a description of state programs designed to achieve energy conservation and energy efficiency at state-owned facilities, such as the guaranteed energy performance savings contracting pursuant to s. 489.145, Florida Statutes, and the inclusion of alternative fuel vehicles in state fleets. The report must describe the costs of implementation, details of the programs, and current and projected energy and cost savings.

Section 73. Section 403.885, Florida Statutes, is amended to read:

403.885 Water Projects ~~Stormwater management; wastewater management; and Water Restoration~~ Grant Program.--

(1) The Department of Environmental Protection shall administer a grant program to use funds transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as appropriated by the Legislature for water quality improvement, stormwater management, wastewater management, and water restoration and other water projects as specifically appropriated by the Legislature ~~project grants~~. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, water management, stormwater management, wastewater management, lake and river water restoration projects, and~~.~~ drinking water projects ~~are not eligible for funding~~ pursuant to this section.

(2) The grant program shall provide for the evaluation of annual grant proposals. The department shall evaluate such proposals to determine if they:

(a) Protect public health or ~~and~~ the environment.

(b) Implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of chapter 373, other water restoration plans required by law, management plans prepared pursuant to s. 403.067, or other plans adopted by local government for water quality improvement and water restoration.

~~(3) In addition to meeting the criteria in subsection (2), annual grant proposals must also meet the following requirements:~~

~~(a) An application for a stormwater management project may be funded only if the application is approved by the water management district with jurisdiction in the project area. District approval must be based on a determination that the project provides a benefit to a priority water body.~~

~~(b) Except as provided in paragraph (c), an application for a wastewater management project may be funded only if:~~

~~1. The project has been funded previously through a line item in the General Appropriations Act; and~~

~~2. The project is under construction.~~

~~(c) An application for a wastewater management project that would qualify as a water pollution control project and activity in s. 403.1838 may be funded only if the project sponsor has submitted an application to the department for funding pursuant to that section.~~

~~(4) All project applicants must provide local matching funds as follows:~~

~~(a) An applicant for state funding of a stormwater management project shall provide local matching funds equal to at least 50 percent of the total cost of the project; and~~

~~(b) An applicant for state funding of a wastewater management project shall provide matching funds equal to at least 25 percent of the total cost of the project.~~

~~The requirement for matching funds may be waived if the applicant is a financially disadvantaged small local government as defined in subsection (5).~~

~~(5) Each fiscal year, at least 20 percent of the funds available pursuant to this section shall be used for projects to assist financially disadvantaged small local governments. For purposes of this section, the term "financially disadvantaged small local government" means a municipality having a population of 7,500 or less, a county having a population of 35,000 or less, according to the latest decennial census and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce, or a county in an area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656. Grants made to these eligible local governments shall not require matching local funds.~~

~~(6) Each year, stormwater management and wastewater management projects submitted for funding through the legislative process shall be submitted to the department by the appropriate fiscal committees of the House of Representatives and the Senate. The department shall review the projects and must provide each fiscal committee with a list of projects that appear to meet the eligibility requirements under this grant program.~~

Section 74. For the 2006-2007 fiscal year, the sum of $61,379 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the energy-efficient products sales tax holiday.

Section 75. For the 2006-2007 fiscal year, the sum of $8,587,000 in nonrecurring funds is appropriated from the General Revenue Fund and $6,413,000 in nonrecurring funds is appropriated from the Grants and Donations Trust Fund in the Department of Environmental Protection for the purpose of funding the Renewable Energy Technologies Grants program authorized in s. 377.804, Florida Statutes. From the General Revenue Funds, $5,000,000 are contingent upon the coordination between the Department of Environmental Protection and the Department of Agriculture and Consumer Services pursuant to s. 377.804(6), Florida Statutes.

Section 76. For the 2006-2007 fiscal year, the sum of $2.5 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Environmental Protection for the purpose of funding commercial and consumer solar incentives authorized in s. 377.806, Florida Statutes.

Section 77. 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 the entire title and insert:

A bill to be entitled

An act relating to energy; providing legislative findings and intent; creating s. 377.801, F.S.; creating the "Florida Renewable Energy Technologies and Energy Efficiency Act"; creating s. 377.802, F.S.; stating the purpose of the act; creating s. 377.803, F.S.; providing definitions; creating s. 377.804, F.S.; creating the Renewable Energy Technologies Grants Program; providing program requirements and procedures, including matching funds; requiring the Department of Environmental Protection to adopt rules and coordinate with the Department of Agriculture and Consumer Services; requiring joint departmental approval for the funding of any project; specifying a period during which the sale of energy-efficient products is exempt from certain tax; providing a limitation; providing a definition; prohibiting purchase of products by certain payment methods; providing that certain purchases or attempts to purchase are unfair methods of competition and punishable as such; authorizing the Department of Revenue to adopt rules; creating s. 377.806, F.S.; creating the Solar Energy System Incentives Program; providing program requirements, procedures, and limitations; requiring the Department of Environmental Protection to adopt rules; creating s. 377.901, F.S.; creating the Florida Energy Council within the Department of Environmental Protection; providing purpose and composition; providing for appointment of members and terms; providing for reimbursement for travel expenses and per diem; requiring the department to provide certain services to the council; providing rulemaking authority; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel," "ethanol," and "hydrogen fuel cells"; providing tax exemptions in the form of a rebate for the sale or use of certain equipment, machinery, and other materials for renewable energy technologies; providing eligibility requirements and tax credit limits; authorizing the

Department of Revenue to adopt rules; directing the Department of Environmental Protection to determine and publish certain information relating to such exemptions; providing for expiration of the exemption; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; providing definitions; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; providing for expiration of the tax credit; creating s. 220.193, F.S.; creating the Florida renewable energy production credit; providing definitions; providing a tax credit for the production and sale of renewable Florida energy; providing for the use and transfer of the tax credit; authorizing the Department of Revenue to adopt rules concerning the tax credit; amending s. 220.13, F.S.; providing an addition to the definition of "adjusted federal income"; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; directing the commission to conduct a study and provide a report by a certain date; creating s. 366.92, F.S.; relating to the Florida renewable energy policy; providing intent; providing definitions; directing the Florida Public Service Commission to adopt goals for increasing the use of Florida renewable energy resources; authorizing the commission to adopt rules; requiring the commission to conduct a study and review; providing criteria for such study and a review; requiring the commission to provide a review and recommendations to the Governor and Legislature by a certain date; amending s. 403.503, F.S.; revising and providing definitions applicable to the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; providing the Department of Environmental Protection with additional powers and duties relating to the Florida Electrical Power Plant Siting Act; amending s. 403.5055, F.S.; revising provisions for certain permits associated with applications for electrical power plant certification; amending s. 403.506, F.S.; revising provisions relating to applicability and certification of certain power plants; amending s. 403.5064, F.S.; revising provisions for distribution of applications and schedules relating to certification; amending s. 403.5065, F.S.; revising provisions relating to the appointment of administrative law judges and specifying their powers and duties; amending s. 403.5066, F.S.; revising provisions relating to the determination of completeness for certain applications; creating s. 403.50663, F.S.; authorizing certain local governments and regional planning councils to hold an informational public meeting about a proposed electrical power plant or associated facilities; providing requirements and procedures therefor; creating s. 403.50665, F.S.; requiring local governments to file certain land use determinations; providing requirements and procedures therefor; repealing s. 403.5067, F.S., relating to the determination of sufficiency for certain applications; amending s. 403.507, F.S.; revising required preliminary statement provisions for affected agencies; requiring a report as a condition precedent to the project analysis and certification hearing; amending s. 403.508, F.S.; revising provisions relating to land use and certification hearings, including cancellation and responsibility for payment of expenses and costs; requiring certain notice; amending s. 403.509, F.S.; revising provisions relating to the final disposition of certain applications; providing requirements and provisions with respect thereto; amending s. 403.511, F.S.; revising provisions relating to the effect of certification for the construction and operation of proposed electrical power plants; providing that issuance of certification meets certain coastal zone consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities relating to electrical power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals relating to electrical power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for electrical power plant sites; amending s. 403.517, F.S.; revising provisions relating to supplemental applications for sites certified for ultimate site capacity; amending s. 403.5175, F.S.; revising provisions relating to existing electrical power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish rules for determination of certain fees; eliminating certain operational license fees; providing for the application, processing, approval, and cancellation of electrical power plant certification; amending s. 403.519, F.S.; directing the Public Service Commission to consider fuel diversity and reliability in certain determinations; providing requirements and procedures for determination of need for certain power plants; providing an exemption from purchased power supply bid rules under certain circumstances; creating s. 366.93, F.S.; providing definitions; requiring the Public Service Commission to implement rules related to nuclear power plant cost recovery; requiring a report; amending s. 403.52, F.S.; changing the short title to the "Florida Electric Transmission Line Siting Act"; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining the terms "licensee" and "maintenance and access roads"; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; revising provisions for notice by an electric utility of its intent to construct an exempt transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of filing an application for certification and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to provide notice of filing the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for the statement to notify the department whether the information will be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to the department and the applicant; revising criteria for the Department of Community Affairs' report; requiring the Department of Transportation, the Public Service Commission, and any other affected agency to prepare a project report; revising required content of the report; providing for notice of any nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need is a condition precedent to further processing of the application; requiring that the department prepare a project analysis to be filed with the administrative law judge and served on all parties within a

certain time; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public-hearing portion of the certification hearing, the order of presentations at the hearing, and consideration of certain communications by the administrative law judge; requiring the applicant to pay certain expenses and costs; requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain time; requiring the Department of Transportation to be a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; requiring the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain time; providing for a determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; requiring that agencies file reports with the applicant and the department which address the proposed alternate corridor; requiring that the department file with the administrative law judge, the applicant, and all parties a project analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor has the burden of proof concerning the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.528, F.S.; providing that a comprehensive application encompassing more than one proposed transmission line may be good cause for altering established time limits; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; amending s. 403.5315, F.S.; revising the circumstances under which a certification may be modified after the certification has been issued; providing for procedures if objections are raised to the proposed modification; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission in order to determine the need for a transmission line; providing that the commission is the sole forum in which to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology to changes made by the act; repealing ss. 403.5253 and 403.5369, F.S., relating to determination of sufficiency of application or amendment to the application and the application of the act to applications filed before a certain date; requiring the Department of Environmental Protection to provide a report to the Governor and Legislature by a certain date; providing requirements for such report; amending 403.885, F.S.; revising provisions and requirements relating to the stormwater management, wastewater management, and water restoration grants program; providing for appropriations; providing effective dates.

Rep. Hasner moved the adoption of the amendment.

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

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

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

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

SB 2434—A bill to be entitled An act relating to travel to terrorist states; amending s. 1011.81, F.S.; prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 1011.90, F.S.; prohibiting the use of state or nonstate funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 112.061, F.S.; providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to, or involving, travel to a terrorist state shall not be allowed under any circumstances; defining "terrorist state"; prohibiting a private college or university in this state from using state funds for activities relating to, or involving, a terrorist state; providing an effective date.

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

Remarks

The Speaker pro tempore recognized Rep. Kyle, who gave brief farewell remarks.

THE SPEAKER IN THE CHAIR

Remarks

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

CS for CS for SB 214—A bill to be entitled An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term "dart-firing stun gun" for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term "remote stun gun"; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; requiring a school resource officer or law enforcement officer to make certain reports concerning the use of a dart-firing stun gun; requiring the Department of Law Enforcement to maintain the reports and provide them to the Department of Health upon request; requiring the Department of Health to conduct an ongoing study of

the medical effects concerning certain uses of dart-firing stun guns; requiring a report to the Legislature; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Kravitz to adopt Amendment 1.

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

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

Motion

On motion by Rep. Goodlette, the House agreed to take up **HB 335** for consideration, which was on Unfinished Business.

Unfinished Business

HB 335 —A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; including specified law enforcement officers in the definition of "other person responsible for a child's welfare" for purposes of abuse investigations; amending s. 985.207, F.S.; permitting a law enforcement officer to take a child into custody for a violation of adjudication order conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" for purposes of determining state payment of costs of juvenile detention care; amending s. 985.228, F.S.; requiring a court to include specified conditions in a child's order of adjudication of delinquency that apply during the postadjudication and predisposition period; providing a definition; permitting a court to find a child in contempt of court for a violation of adjudication order conditions; providing sanctions; amending s. 985.231, F.S.; conforming cross-references and terminology; repealing s. 985.309, F.S., relating to boot camps for children; creating s. 985.3091, F.S.; authorizing the department to contract for sheriff's training and respect programs; providing eligibility requirements for children placed in the programs; specifying required program offerings; specifying program participation timeframes; requiring the department to adopt rules and maintain specified records; providing for quarterly evaluations of and contract cancellation under specified circumstances; specifying staff training requirements; requiring the department to adopt training rules; prohibiting the provision of direct care to children by staff who have not complied with training requirements; prohibiting the operation of a program until department rules are adopted and the department has verified program compliance with applicable law and rules; authorizing emergency rules to expedite implementation; amending s. 985.31, F.S.; deleting a requirement for a report on serious or habitual juvenile offenders; conforming cross-references and terminology; amending s. 985.311, F.S.; deleting a requirement for a report on intensive residential treatment; conforming cross-references and terminology; amending s. 985.317, F.S.; deleting a requirement for a report on literacy programs for juvenile offenders; creating s. 985.3142, F.S.; providing that the willful failure of a child to return to a residential commitment facility within the time authorized for a temporary release is absconding for a first offense and is a second degree misdemeanor for a second or subsequent offense; providing penalties; creating s. 985.4055, F.S.; providing definitions; requiring the department to adopt rules establishing a protective action response policy; specifying when verbal and physical intervention techniques may be used; specifying prohibited uses of mechanical restraints; prohibiting use of aerosol and chemical agents; requiring the department to adopt rules establishing protection action response training curriculums and certification procedures; requiring department and provider employees to be certified in protective action response within a specified number of days; creating s. 985.4056, F.S.; creating the Juvenile Justice Accountability Commission; providing for membership; providing definitions; providing for meetings and voting requirements; providing for an executive director and staff; providing for the commission's budget; providing for reimbursement of per diem and travel expenses; requiring the commission to contract for a comprehensive evaluation, accountability, and reporting system for juvenile justice programs; providing requirements for the system; requiring a report by the system provider; specifying commission duties; requiring a report by the commission; providing for automated access to the juvenile justice information system; requiring the commission to adopt rules; amending s. 985.412, F.S.; directing the Department of Juvenile Justice to collect and analyze specified data; creating and revising definitions; requiring the development of a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes; requiring an annual report; specifying report contents; deleting a requirement for an annual cost data report; deleting a requirement for a cost-benefit analysis of educational programs; revising a cost-effectiveness model for commitment programs; revising a cost-effectiveness report due date; revising requirements for annual quality assurance reporting; providing for termination of juvenile justice contracts and programs in specified circumstances; conforming provisions; deleting obsolete provisions relating to incentive and disincentive proposals and liquidated damages; amending ss. 958.046 and 985.314, F.S.; conforming cross-references and terminology; creating the cost of supervision and care waiver pilot program in the Ninth Judicial Circuit; requiring waiver of fees imposed under s. 985.2311, F.S., for successful completion of specified parenting classes; providing conditions applicable to such waiver; providing for review of the pilot program and reports by the Office of Program Policy Analysis and Government Accountability; requiring the Juvenile Justice Accountability Commission to contract for the provision of parenting classes; providing for future repeal; providing for a type two transfer of powers, duties, resources, and personnel relating to specified department responsibilities to the Juvenile Justice Accountability Commission; creating a pilot program that authorizes specified courts to select commitment programs for juvenile delinquents; providing definitions; providing the program's purpose; requiring the Department of Juvenile Justice to develop implementation procedures and to publish specified information about commitment programs on its website; providing procedures for the selection of commitment programs by courts; requiring evaluation and reports by the Office of Program Policy Analysis and Government Accountability; specifying department and court responsibilities relating to the reports; providing for future repeal of the pilot program; providing effective dates.

—was taken up, having been read the second time on April 28; now pending on motion by Rep. Culp to adopt Amendment 1 (shown in the *Journal* on pages 940-945, April 28).

The question recurred on the adoption of **Amendment 1**.

Representative(s) Planas, Llorente, Domino, Quinones, Flores, Galvano, Bogdanoff, Ambler, Kottkamp, Barreiro, Robaina, Gottlieb, Joyner, Bucher, Vana, Kendrick, Ausley, Needelman, Williams, Rivera, Seiler, Dean, Berfield, Grimsley, McInvale, Zapata, Allen, Garcia, Simmons, Gelber, Greenstein, Roberson, Porth, Jennings, Justice, Fields, Smith, Peterman, Adams, Evers, Reagan, Ross, Detert, Mahon, Anderson, Stansel, Grant, Cannon, and Sansom offered the following:

(Amendment Bar Code: 585231)

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

Section 1. Paragraph (j) is added to subsection (1) of section 985.02, Florida Statutes, to read:

985.02 Legislative intent for the juvenile justice system.--

(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose of the Legislature that the children of this state be provided with the following protections:

(j) A fully integrated, comprehensive approach to handling all cases that involve children and families and a resolution of family disputes in a fair, timely, efficient, and cost-effective manner. It is the intent of the Legislature that the courts of this state embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system. It is the intent of the Legislature to support the development of a unified family court and to support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach that includes coordinated case management; the concept of "one family, one judge"; collaboration with the community for referral to needed services; and methods of alternative dispute resolution. The Legislature supports the goal that the legal system should focus on the needs of children who are involved in the litigation, refer families to resources that will make families' relationships stronger, coordinate families' cases, including all delinquency and dependency proceedings, to provide consistent results, and strive to leave families in better condition than when the families entered the system.

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

Remove line(s) 768 and insert:

An act relating to juvenile justice; amending s. 985.02, F.S.; providing additional purposes relating to implementing a unified family court program in the circuit courts; providing legislative intent; amending s. 985.207, F.S.;

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

Representative Antone offered the following:

(Amendment Bar Code: 622517)

Amendment 2 to Amendment 1 (with title amendment)—Remove lines 5-148 and insert:

Section 1. Subsections (3) and (7) of section 985.04, Florida Statutes, are amended to read:

985.04 Oaths; records; confidential information.--

(3)(a) Except as provided in subsections (2), (4), (5), and (6)~~,~~ and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department ~~of Juvenile Justice~~, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department ~~of Juvenile Justice~~ and its designees, the Department of Corrections, the Parole Commission, law enforcement agents, school superintendents and their designees, the principal of a private school attended by the juvenile, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(b) The department shall disclose to the school superintendent and the principal of a private school attended by the child the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sex offender, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board or private school who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7)(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools, if the child attends public school, or the principal of a private school attended by the child, that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of schools, if the child attends public school, or the principal of a private school attended by the child, ~~the child's school~~ that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools or private school principal pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the public school of the child. The public or private school principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 1006.09(1)-(4).

Section 2. Paragraph (b) of subsection (1) of section 985.207, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

985.207 Taking a child into custody.--

(1) A child may be taken into custody under the following circumstances:

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence, the arresting authority shall immediately notify the district school superintendent, or the superintendent's designee, of the school district with educational jurisdiction of the child or the principal of a private school attended by the child. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools. The information obtained by the superintendent of schools or a private school principal pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the child's public school, or as otherwise provided by law. The public or private school principal must immediately notify the child's immediate classroom teachers. Information provided by an arresting authority pursuant to this paragraph may not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.

(e) When a law enforcement officer has probable cause to believe that a child who is awaiting disposition has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Subsection (2), paragraphs (d) and (g) of subsection (5), and paragraph (b) of subsection (11) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.--

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee from a residential commitment program, or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from a residential commitment program.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(k) At his or her adjudicatory hearing, the child has been found to have committed a delinquent act or violation of law and has previously willfully failed to appear, after proper notice, for other delinquency court proceedings of any nature regardless of the results of the risk assessment instrument. A child may be held in secure detention or, at the discretion of the court and if available, placed on home detention with electronic monitoring until the child's disposition order is entered in his or her case. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program. Unless a child is detained under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the court shall use the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in paragraph (2)(k), paragraph (g), or s. 985.228(5), a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) or paragraph (d) an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(11)

(b) When a juvenile sexual offender, pursuant to this subsection, is released from detention or transferred to home detention or nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel at the public or private school attended by the offender.

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

Remove lines 768-776 and insert:

An act relating to juvenile justice; amending s. 985.04, F.S.; authorizing disclosure of specified confidential juvenile records to private school principals; requiring the Department of Juvenile Justice, law enforcement agencies, and state attorneys to provide notice to private school principals of specified juvenile offenders; providing criminal penalties for a private school employee who improperly discloses specified confidential information; requiring private school principals to notify classroom teachers of specified information; amending s. 985.207, F.S.; requiring the arresting authority to provide notice to private school principals of specified juvenile offenders; requiring private school principals to notify classroom teachers of specified information; permitting a law enforcement officer to take a child into custody for a violation of adjudication order conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; requiring detention staff to notify private school personnel of a juvenile sexual offender's release;

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

Representative Culp offered the following:

(Amendment Bar Code: 323347)

Amendment 3 to Amendment 1 (with title amendment)—Remove lines 623-761

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

Remove lines 815-825 and insert:

repeal of the pilot program; providing an effective date.

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

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

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

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

Bills and Joint Resolutions on Third Reading

HJR 447—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

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

That the following amendment to Section 1 of Article IX of the State Constitution is 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 IX
EDUCATION

SECTION 1. Public education.--

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

(b) To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2009-2010 ~~2010~~ school year and for each school year thereafter, there are a sufficient number of classrooms so that:

(1) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students and the number of students who are assigned to one teacher in an individual class does not exceed 23 students;

(2) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students and the number of students who are assigned to one teacher in an individual class does not exceed 27 students; and

(3) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students and the number of students who are assigned to one teacher in an individual class does not exceed 30 students.

The class size requirements of this subsection do not apply to extracurricular or virtual classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school ~~schools~~ districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the school district average class size ~~number of students in each classroom~~ by at least two students per year until the school district average class size for each of the grade groupings ~~maximum number of students per classroom~~ does not exceed the requirements of this subsection.

(c) Funding for a high quality public K-12 education through classroom instruction is fundamental. To make adequate provision for a high quality public K-12 education, at least sixty-five percent of school funding received by school districts shall be spent on classroom instruction, rather than on administration. Classroom instruction and administration shall be defined by law.

(d)(1)~~(b)~~ Every four-year old child in Florida shall be provided by the state a high quality prekindergarten ~~pre-kindergarten~~ learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory, and moral capacities through education in basic skills and such other skills as the legislature may determine to be appropriate.

(2)~~(c)~~ The early childhood education and development programs provided by reason of this subsection ~~subparagraph (b)~~ shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the state as of January 1, 2002, that provided for child or adult education, health care, or development.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE IX, SECTION 1

REQUIRING 65 PERCENT OF SCHOOL FUNDING FOR CLASSROOM INSTRUCTION; FLEXIBLE CLASS SIZE REDUCTION IMPLEMENTATION.—Proposing an amendment to the State Constitution to provide that funding for high quality public K-12 education through classroom instruction is fundamental; to provide that to make adequate provision for a high quality public K-12 education, at least 65 percent of school funding received by school districts shall be spent on classroom instruction rather than on administration; to provide that classroom instruction and administration shall be defined by law; to provide flexibility for school districts in meeting class size reduction requirements by calculating compliance at a school district average number of students who are assigned to a teacher in specified grades; to specify the maximum number of students who may be assigned to one teacher in an individual class; to require implementation of the class size reduction requirements by the beginning of the 2009-2010 school year and for each school year thereafter; and to exempt virtual classes from the class size requirements.

—was read the third time by title.

REPRESENTATIVE RUSSELL IN THE CHAIR

THE SPEAKER IN THE CHAIR

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1071].

The question recurred on the passage of HJR 447. The vote was:

Session Vote Sequence: 1072

Speaker Bense in the Chair.

Yeas—74

Adams	Brummer	Gardiner	Kyle
Allen	Cannon	Gibson, H.	Legg
Altman	Carroll	Glorioso	Littlefield
Anderson	Clarke	Goldstein	Lopez-Cantera
Arza	Coley	Goodlette	Mahon
Attkisson	Cretul	Grant	Mayfield
Barreiro	Davis, D.	Grimsley	McInvale
Baxley	Dean	Harrell	Mealor
Bean	Detert	Hasner	Murzin
Bense	Domino	Hays	Needelman
Benson	Evers	Hukill	Negron
Bilirakis	Farkas	Johnson	Patterson
Bogdanoff	Flores	Kottkamp	Pickens
Bowen	Galvano	Kravitz	Poppell
Brown	Garcia	Kreegel	Proctor

Reagan	Russell	Stargel	Williams
Rivera	Sansom	Traviesa	Zapata
Ross	Simmons	Troutman	
Rubio	Sorensen	Waters	

Nays—40

Antone	Fields	Justice	Robaina
Ausley	Gannon	Kendrick	Roberson
Bendross-Mindingall	Gelber	Llorente	Ryan
Berfield	Gibson, A.	Machek	Sands
Brandenburg	Gottlieb	Meadows	Seiler
Brutus	Greenstein	Peterman	Slosberg
Bucher	Henriquez	Planas	Sobel
Bullard	Holloway	Porth	Stansel
Culp	Homan	Quinones	Taylor
Cusack	Joyner	Richardson	Vana

Votes after roll call:
Yeas—Ambler

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

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., Wednesday, May 3, 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 263.

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 351.

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 483.

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 adopted HM 541.

Faye W. Blanton, Secretary

The above memorial was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 775.

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 819.

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 1029.

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 1079.

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 1285 by the required Constitutional two-thirds vote of all members present.

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 7109.

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 7127.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

First Reading by Publication

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 142, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Government Efficiency Appropriations, Communications and Public Utilities and Senators Fasano, Argenziano and Klein—

CS for CS for SB 142—A bill to be entitled An act relating to communications; amending s. 364.051, F.S., relating to price regulation; allowing a telecommunications company to publicly publish price lists for nonbasic services; providing guidelines for such publication; allowing 1 day's notice for price changes to nonbasic services; deleting a company's option to elect that its basic services be treated as nonbasic services; requiring a company to request that the Public Service Commission lessen its service quality regulation; providing criteria for granting a petition to change regulatory treatment of retail 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. 350.0611, F.S.; providing additional authority to the Public Counsel, including the authority to provide legal representation to, and to appear on behalf of, the state and its political subdivisions as consumers of communications services and utility services, to receive, investigate, and take legal action upon complaints involving communications services not within the jurisdiction of the Public Service Commission, to appear before state and federal agencies to enhance terms and conditions of utility and communications services, and to analyze and report on pending legislation relevant to utility and communications services; providing appropriations; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 170 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Children and Families, Health Care and Senator Baker—

CS for CS for SB 170—A bill to be entitled An act relating to administration of medication; amending s. 393.506, F.S.; deleting requirements for unlicensed staff members of direct care service facilities to administer prescribed medications to persons with developmental disabilities; authorizing direct service providers to administer medication to clients or to supervise the self-administration of medication by clients; providing requirements for direct service providers to demonstrate competency regarding supervising the self-administration of medication by clients or administering medication to clients; requiring the Agency for Persons with Disabilities to adopt rules to establish standards and procedures governing the supervision of self-administered medications and the administration of medications by direct service providers; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 202 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senators Aronberg and Crist—

CS for SB 202—A bill to be entitled An act relating to consumer protection; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; creating s. 501.972, F.S.; providing requirements for protection of a creation not subject to copyright; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 262, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Governmental Oversight and Productivity and Senator Bennett—

CS for CS for SB 262—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing an exception to the term "administrative determination" for purposes of rule adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; providing additional content for uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; providing for equitable tolling as a defense to the untimely filing of a petition; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations and information in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 372 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Peaden and Fasano—

SB 372—A bill to be entitled An act relating to hearing aid specialists; amending s. 456.062, F.S.; deleting a requirement that hearing aid specialists make certain disclosures regarding services that are provided free of charge or at a reduced fee; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 388, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health Care and Senator Argenziano—

CS for SB 388—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S.; transferring part III of ch. 400, F.S., relating to assisted living facilities, to part I of ch. 429, F.S.; transferring part VII of ch. 400, F.S., relating to adult family-care homes, to part II of ch. 429, F.S.; transferring part V of ch. 400, F.S., relating to adult day care centers, to part III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 381.745, 393.063, 393.506, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.191, 400.215, 400.402, 400.404, 400.407, 400.4071, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4178, 400.418, 400.419, 400.42, 400.422, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.428, 400.429, 400.4293, 400.431, 400.441, 400.442, 400.444, 400.447, 400.452, 400.462, 400.464, 400.497, 400.55, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5572, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.563, 400.564, 400.601, 400.616, 400.617, 400.618, 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, 400.629, 400.93, 400.962, 400.980, 400.9905, 401.23, 402.164, 408.032, 408.033, 408.034, 408.831, 409.212, 409.905, 409.906, 409.907, 409.912, 410.031, 410.034, 415.1111, 430.601, 430.703, 435.03, 435.04, 440.13, 465.0235, 468.1685, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, 893.13, 943.0585, and 943.059, F.S., to conform references to changes made by the act; providing that physician assistants are subject to certain requirements in the same manner as physicians; requesting the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 466 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Regulated Industries and Senator Constantine—

CS for SB 466—A bill to be entitled An act relating to regulation of real estate appraisers; amending s. 475.611, F.S.; revising and providing definitions; amending s. 475.612, F.S.; revising requirements relating to work performed by persons who are not certified, licensed, or registered; providing requirements relating to issuance of appraisal reports and compensation of appraisers, including trainees; amending s. 475.615, F.S.; removing obsolete language relating to qualifications for registration, licensure, or certification; revising education and experience requirements; amending s. 475.616, F.S.; removing obsolete language relating to examination requirements; amending s. 475.617, F.S.; revising the minimum and maximum course hour requirements for trainee appraiser registration; removing obsolete provisions establishing education and experience requirements for licensure as an appraiser; revising education and experience requirements for certification as a residential appraiser or general appraiser; requiring applicants for certification to maintain certain application documents; providing rulemaking authority; creating s. 475.6171, F.S.; providing for the issuance of registration and certification upon receipt of proper documentation; providing rulemaking authority; amending s. 475.6221, F.S.; prohibiting supervisory appraisers from certain employment; amending s. 475.6222, F.S.; requiring supervisory appraisers to provide direct training to registered trainee appraisers; amending s. 475.623, F.S.; requiring appraisers to furnish their firm or business name and any change in that name to the Department of Business and Professional Regulation; amending s. 475.624, F.S.; removing obsolete references; correcting cross-references; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 508 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Justice Appropriations and Senators Aronberg, Crist and Wilson—

CS for SB 508—A bill to be entitled An act relating to sexual predators; amending s. 775.21, F.S.; redefining the terms "permanent residence" and "temporary residence" in order to reduce the number of consecutive days and days in the aggregate which constitute the residence of a sexual predator for purposes of requirements that the predator register with the Department of Law Enforcement, the sheriff's office, or the Department of Corrections; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 640 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senators Miller and Lynn—

CS for SB 640—A bill to be entitled An act relating to luring or enticing a child; amending s. 787.025, F.S.; defining the term "convicted"; providing that a person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a misdemeanor of the first degree; providing criminal penalties; providing that a person who has previously been convicted of this offense and who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree; providing criminal penalties; deleting a presumption regarding what constitutes other than a lawful purpose; amending ss. 775.21, 794.0115, 943.0435, 944.606, 944.607, and 948.32, F.S.; conforming cross-references; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant if there is probable cause to believe that the person is intentionally luring or enticing, or attempting to lure or entice, a child under the age of 12 into a structure,

dwelling, or conveyance for other than a lawful purpose; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 646, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Campbell—

CS for SB 646—A bill to be entitled An act relating to sexual and career offenders; amending s. 775.21, F.S.; revising the definition of the term "institution of higher education" to include a career center; revising provisions relating to use of prior felonies for sexual predator determination; removing provisions allowing a sexual predator to register at the Department of Law Enforcement; amending s. 775.261, F.S.; revising an operational date used for career offender registration; expanding applicability of registration requirements; amending s. 943.0435, F.S.; removing provisions permitting a sexual offender to register at an office of the Department of Law Enforcement; revising provisions relating to the definition of "sexual offender"; revising the definition of "institution of higher education" to include a career center; revising a provision relating to an offender's driver's license or identification card renewal; amending s. 944.606, F.S.; revising provisions relating to the definition of "sexual offender"; amending s. 944.607, F.S.; revising provisions relating to the definition of "sexual offender"; revising the definition of "institution of higher education" to include a career center; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 676, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Bullard—

SB 676—A bill to be entitled An act relating to designations; creating s. 15.052, F.S.; designating key lime pie as the official state pie; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 694 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Crist, Bennett, Sebesta and Lynn—

SB 694—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising the applicability of ch. 538, F.S.; exempting persons or entities offering secondhand goods or personal property for sale, purchase, consignment, or trade via the Internet from the provisions of ch. 538, F.S., under certain circumstances; exempting certain businesses that sell, rent, or trade motion picture videos or video games from ch. 538, F.S.; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than $300, and if the value of the money received is $300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to the electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney's fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a secondhand dealer; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second-degree-felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 786 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Commerce and Consumer Services and Senators Hill and Miller—

CS for CS for SB 786—A bill to be entitled An act relating to notification regarding the state minimum wage; creating s. 448.109, F.S.; providing definitions; requiring an employer to display posters at worksites to provide employees notice about the state minimum wage; requiring the Agency for Workforce Innovation to make available an updated poster each year; providing for the size and contents of the posters; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 876 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Environmental Preservation and Senator Smith—

CS for SB 876—A bill to be entitled An act relating to building designations; designating the Florida Center for Solid and Hazardous Waste Management as the "William W. 'Bill' Hinkley Center for Solid and Hazardous Waste Management"; directing the Department of Environmental Protection to erect suitable markers; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1076 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Smith—

SB 1076—A bill to be entitled An act relating to DUI programs; amending s. 322.292, F.S.; requiring that DUI classes be taught by a certified instructor in a classroom in which the instructor and offenders in the class are physically present; prohibiting any other method of instruction; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1112, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Governmental Oversight and Productivity, Community Affairs and Senator Bennett—

CS for CS for SB 1112—A bill to be entitled An act relating to the denial of development permits; creating s. 125.022, F.S.; requiring a county to give written notice of its decision to deny a development permit; specifying information that the notice must include; defining the term "development permit"; creating s. 166.033, F.S.; requiring a municipality to give written notice of its decision to deny a development permit; specifying information that the notice must include; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1190, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Community Affairs and Senator Atwater—

CS for SB 1190—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing for the effect of the sale of a public hospital to a private purchaser; providing conditions that must be met in order for a sale to be considered a complete sale; providing legislative findings and intent with respect to the effect of the sale of a public hospital to a private purchaser; providing applicability, including retroactive applicability; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1198 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Atwater—

SB 1198—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2006 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1256 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senators Saunders, King, Baker and Crist—

CS for SB 1256—A bill to be entitled An act relating to minimum liquid-reserve requirements for continuing care providers; amending s. 651.035, F.S.; deleting the requirement that a provider include property insurance premiums within the amount required as debt service reserve; deleting provisions providing for calculating the amount of such premiums; deleting a provision exempting property insurance premiums from the amount that a provider is required to maintain as an operating reserve; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1278, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senators Argenziano and Wise—

CS for SB 1278—A bill to be entitled An act relating to youth and young adults with disabilities; creating the Interagency Services Committee for Youth and Young Adults with Disabilities; providing legislative intent; providing that the committee be staffed by member agencies of the committee; providing for the membership of the committee; providing duties and responsibilities for the committee; requiring the committee to submit a report to the Governor and the Legislature; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1290, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Community Affairs and Senator Fasano—

CS for SB 1290—A bill to be entitled An act relating to concealed weapons; amending s. 790.06, F.S.; revising provisions concerning licenses for concealed weapons or concealed firearms held by a servicemember;

prohibiting license expiration while the servicemember is under military orders to be a certain distance away from his or her residence; providing for an extension of the time to renew such a license; providing for fees and costs when such a license is renewed within the extension period; providing criteria to qualify for such extension; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1386 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senators Crist and Lynn—

SB 1386—A bill to be entitled An act relating to youthful offenders; amending s. 958.045, F.S.; deleting a provision limiting certain sentencing options available to the court following a violation of the conditions of probation by a youthful offender; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1438, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Argenziano—

CS for SB 1438—A bill to be entitled An act relating to custodial requirements for public records; amending s. 119.021, F.S.; clarifying the custodial requirements for a record that is confidential and exempt from disclosure pursuant to law; authorizing the custodian of such record to require an agency or other governmental entity that receives the record to acknowledge in writing the confidential and exempt status of the record; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1510 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Community Affairs and Children and Families—

CS for CS for SB 1510—A bill to be entitled An act relating to child care; amending s. 402.281, F.S.; providing criteria that certain child care facilities must meet in order to obtain and maintain a designation as a Gold Seal Quality Care provider; requiring the Department of Children and Family Services to adopt rules pertaining to the Gold Seal Quality Care program; amending s. 402.302, F.S.; revising the definition of the term "screening" to include volunteers; amending s. 402.310, F.S.; authorizing the department or local licensing agency to administer certain disciplinary sanctions to licensees and registrants; authorizing the department or local licensing agency to convert a license or registration to probation status for a violation of certain laws; requiring the department to adopt rules establishing the grounds for imposing disciplinary actions and creating a uniform system of procedures; amending s. 402.313, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on family day care homes that fail to comply with licensure or registration requirements; providing that the minimum standards required for family day care homes for licensure should include health and safety standards; amending s. 402.3131, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on large family child care homes that fail to comply with licensure requirements; transferring, renumbering, and amending s. 402.3017, F.S.; revising the provisions of the Teacher Education and Compensation Helps scholarship program; authorizing the Agency for Workforce Innovation to administer the program and adopt rules; amending s. 402.309, F.S.; authorizing the issuance of a provisional license or registration for child care to certain applicants; prohibiting a provisional license or registration from being issued under certain circumstances; authorizing the suspension or revocation of a provisional license or registration under certain circumstances; requiring the department to adopt rules; creating s. 402.317, F.S.; authorizing the provision of child care for a period longer than otherwise authorized if a parent or legal guardian works a shift of 24 hours or more; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1670 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senator Garcia—

CS for SB 1670—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising the method for calculating interest on certain moneys transferred between retirement accounts; providing for credit for military service of members of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; prescribing procedures to follow if a participant in the Public Employee Optional Retirement Program receives an invalid distribution; amending s. 215.47, F.S.; revising standards for determining eligibility of specified savings accounts, certificates of deposit, time drafts, bills of exchange, bonds, notes, and other instruments for investment by the State Board of Administration; amending s. 1002.36, F.S.; conforming a cross-reference; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1678 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Governmental Oversight and Productivity and Government Efficiency Appropriations—

CS for CS for SB 1678—A bill to be entitled An act relating to governmental operations; creating s. 216.0236, F.S.; providing legislative intent that the fees charged by state agencies for providing a regulatory service or regulating a profession or business cover the costs of the regulatory service or oversight; requiring that each state agency review its fees; providing criteria for the review; requiring that each agency, as part of

its legislative budget request, provide to the Governor and Legislature information regarding alternatives for realigning revenues or costs to make a regulatory service or program self-sufficient or provide justification for a subsidy from other state funds; requiring legislative review of all regulatory fee structures at least once every 5 years; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1690 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health Care and Senator Saunders—

CS for SB 1690—A bill to be entitled An act relating to physician assistants; amending ss. 458.331 and 459.015, F.S.; appointing a physician assistant to probable cause panels of the Board of Medicine and the Board of Osteopathic Medicine considering discipline of physician assistants; providing qualifications for the physician assistants appointed to the panels; exempting the appointed physician assistants from certain training requirements concerning the grounds for disciplinary action; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1748 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Wise—

CS for SB 1748—A bill to be entitled An act relating to juvenile justice; reorganizing ch. 985, F.S.; providing new section numbers and part titles; amending s. 985.01, F.S., relating to purposes and intent for the chapter; amending s. 985.02, F.S., relating to the legislative intent for the juvenile justice system; revising a reference and cross-references to conform; amending s. 985.03, F.S., relating to definitions for the chapter; amending, renumbering, and revising references and cross-references to conform; creating s. 985.0301, F.S., relating to the jurisdiction of the juvenile court; amending and renumbering s. 985.201, F.S.; amending and renumbering a provision of s. 985.219, F.S., that relates to such jurisdiction; revising references and cross-references to conform; creating s. 985.032, F.S., relating to legal representation for delinquency cases; renumbering s. 985.202, F.S.; creating s. 985.033, F.S., relating to the right to counsel; amending and renumbering s. 985.203, F.S.; revising references to conform; creating s. 985.035, F.S., relating to open hearings; renumbering s. 985.205, F.S.; creating s. 985.036, F.S., relating to the rights of victims in juvenile proceedings; amending and renumbering s. 985.206, F.S.; providing for the release of certain information to victims; creating s. 985.037, F.S., relating to punishment for contempt of court and alternative sanctions; amending and renumbering s. 985.216, F.S.; revising provisions relating to contempt of court; creating s. 985.039, F.S., relating to cost of supervision and care; amending and renumbering s. 985.2311, F.S.; amending and renumbering s. 985.04, F.S.; clarifying a provision relating to the release of certain information; revising references and cross-references to conform; creating s. 985.045, F.S., relating to court records; amending and renumbering s. 985.05, F.S.; revising references and cross-references to conform; creating s. 985.046, F.S., relating to the statewide information-sharing system and interagency workgroup; renumbering s. 985.06, F.S.; creating s. 985.047, F.S., relating to information systems; renumbering s. 985.08, F.S.; creating s. 985.101, F.S., relating to taking a child into custody; amending and renumbering s. 985.207, F.S.; creating s. 985.105, F.S., relating to intake and case management; renumbering a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross-references to conform; creating s. 985.105, F.S., relating to youth custody officers; amending and renumbering s. 985.2075, F.S.; creating s. 985.11, F.S., relating to fingerprinting and photographing; amending and renumbering s. 985.212, F.S.; revising a cross-reference to conform; creating s. 985.115, F.S., relating to release or delivery from custody; amending and renumbering provisions of s. 985.211, F.S., that relate to such release or delivery; revising cross-references to conform; creating s. 985.12, F.S., relating to civil citations; amending and renumbering s. 985.301, F.S.; revising a cross-reference to conform; creating s. 985.125, F.S., relating to prearrest or postarrest diversion programs; renumbering s. 985.3065, F.S.; creating s. 985.13, F.S., relating to probable cause affidavits; amending and renumbering provisions of s. 985.211, F.S., that relate to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross-references to conform; creating s. 985.135, F.S., relating to juvenile assessment centers; amending and renumbering s. 985.209, F.S.; creating s. 985.14, F.S., relating to the intake and case management system; amending, renumbering, and redesignating provisions of s. 985.21, F.S., that relate to intake and case management; revising cross-references to conform; creating s. 985.145, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., that relate to such responsibilities, screenings, and assessments; revising cross-references to conform; creating s. 985.15, F.S., relating to filing decisions in juvenile cases; revising cross-references to conform; creating s. 985.155, F.S., relating to neighborhood restorative justice; renumbering s. 985.303, F.S.; creating s. 985.16, F.S., relating to community arbitration; amending and renumbering s. 985.304; F.S.; revising a reference to conform; creating s. 985.18, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; renumbering s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., that relates to comprehensive evaluations of certain youth; creating s. 985.185, F.S., relating to evaluations for dispositions; amending and renumbering provisions of s. 985.229, F.S., that relate to such evaluations; creating s. 985.19, F.S., relating to incompetency in juvenile delinquency cases; renumbering s. 985.223, F.S.; creating s. 985.195, F.S., relating to transfer to other treatment services; renumbering s. 985.418, F.S.; creating s. 985.24, F.S., relating to the use of detention and to prohibitions on the use of detention; renumbering provisions of s. 985.213, F.S., that relate to the use of detention; renumbering s. 985.214, F.S.; creating s. 985.245, F.S., relating to the risk assessment instrument; amending and renumbering a provision of s. 985.213, F.S., that relates to such instrument; revising cross-references to conform; creating s. 985.25, F.S., relating to detention intake; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to detention intake; revising cross-references to conform; creating s. 985.255, F.S., relating to detention criteria and detention hearings; amending and renumbering a provision of s. 985.215, F.S., that relates to such criteria and hearings; revising cross-references to conform; creating s. 985.26, F.S., relating to length of detention; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to length of detention; revising cross-references to conform; creating s. 985.265, F.S., relating to detention transfer and release, education of juvenile offenders while in detention or on detention status, and holding of juvenile offenders in adult jails; amending and renumbering provisions of s. 985.215, F.S., that relate to transfer, release, and holding juvenile offenders in adult jails; renumbering a provision of s. 985.213, F.S., that relates to education of juvenile offenders while in detention or on detention status; revising references and cross-references to conform; creating s. 985.27, F.S., relating to postcommitment detention of juvenile offenders while such offenders are awaiting residential placement; amending and redesignating provisions of s. 985.215, F.S., that relate to such detention; limiting the use of such detention; revising references to "detention" to clarify that such term means "secure detention" in certain circumstances; creating s. 985.275, F.S., relating to the detention of an escapee; amending and renumbering s. 985.208, F.S.;

revising a cross-reference to conform; creating s. 985.318, F.S., relating to petitions; renumbering s. 985.218, F.S.; creating s. 985.319, F.S., relating to process and service; renumbering provisions of s. 985.219, F.S., that relate to process and service; creating s. 985.325, relating to prohibitions against threatening or dismissing employees; amending and renumbering s. 985.22, F.S.; revising cross-references to conform; creating s. 985.331, F.S., relating to court and witness fees; renumbering s. 985.221, F.S.; creating s. 985.335, F.S., relating to answering a petition; renumbering s. 985.222, F.S.; creating s. 985.345, F.S., relating to delinquency pretrial intervention programs; renumbering s. 985.306, F.S.; creating s. 985.35, F.S., relating to adjudicatory hearings, withholding of adjudication, and orders of adjudication; amending and renumbering s. 985.228, F.S.; repealing a provision prohibiting a person from possessing a firearm in certain circumstances; revising a reference and cross-references to conform; creating s. 985.43, F.S., relating to predisposition reports and other evaluations; amending and renumbering provisions of s. 985.229, F.S., that relate to such reports and evaluations; revising cross-references to conform; creating s. 985.433, F.S., relating to disposition hearings in delinquency cases; amending and renumbering s. 985.23, F.S.; clarifying who is considered a party to a juvenile case; specifying who must be given an opportunity to comment on the issue of disposition; revising cross-references to conform; amending a provision of s. 985.231, F.S., relating to requirement of written disposition orders; creating s. 985.435, F.S., relating to probation, postcommitment probation, and community service; amending and redesignating a provision of s. 985.231, F.S., relating to probation, postcommitment probation, and community control; creating s. 985.437, F.S., relating to restitution; revising a reference and cross-reference to conform; creating s. 985.439, F.S., relating to violations of probation or postcommitment probation; revising cross-references to conform; creating s. 985.441, F.S., relating to commitment; providing a requirement for commitment of a child as a juvenile sexual offender; revising cross-references to conform; creating s. 985.442, F.S., relating to the form of commitment; renumbering s. 985.232, F.S.; creating s. 985.445, F.S., relating to disposition of delinquency cases involving grand theft of a motor vehicle; amending and redesignating a provision of s. 985.231, F.S., that relates to disposition in such cases; creating s. 985.45, F.S., relating to liability and remuneration for work; amending and redesignating a provision of s. 985.231, F.S., that relates to liability and remuneration; creating s. 985.455, F.S., relating to other dispositional issues; amending and redesignating provisions of s. 985.231, F.S., that relate to determination of sanctions, rehabilitation programs, and certain contact with the victim subsequent to disposition; redesignating provisions of s. 985.231, F.S., that specify the duration of commitment and suspension of disposition; revising a cross-reference to conform; creating s. 985.46, F.S., relating to conditional release; amending and renumbering s. 985.316, F.S.; revising a cross-reference to conform; creating s. 985.465, F.S., relating to juvenile correctional facilities and juvenile prisons; amending and renumbering s. 985.313, F.S.; creating s. 985.47, F.S., relating to serious and habitual juvenile offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.31, F.S.; revising a reference and cross-references to conform; creating s. 985.475, F.S., relating to juvenile sexual offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; revising a cross-reference to conform; amending and renumbering a provision of s. 985.231, F.S., that relates to such offenders; revising cross-references to conform; creating s. 985.48, F.S., relating to juvenile sexual offender commitment programs and sexual abuse intervention networks; renumbering s. 985.308, F.S.; creating s. 985.483, F.S., relating to intensive residential treatment programs for juvenile offenders less than 13 years of age; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.311, F.S.; revising cross-references to conform; creating s. 985.486, F.S, relating to the prerequisites for commitment of juvenile offenders less than 13 years of age to intensive residential treatment programs; amending and renumbering s. 985.312, F.S.; revising cross-references to conform; creating s. 985.489, F.S., relating to boot camp for children; amending and renumbering s. 985.309, F.S.; revising cross-references to conform; creating s. 985.494, F.S., relating to commitment programs for juvenile felony offenders; amending and renumbering s. 985.314, F.S.; revising cross-references to conform; creating s. 985.511, F.S., relating to the child's right to counsel and the cost of representation; creating s. 985.512, F.S., relating to the powers of the court with respect to certain children; renumbering s. 985.204, F.S.; creating s. 985.513, F.S., relating to the powers of the court over parents or guardians at disposition of the child's case; amending and redesignating provisions of s. 985.231, F.S., that relate to such powers; revising cross-references to conform; creating s. 985.514, F.S., relating to the responsibilities of the parents or guardians of a child for certain fees related to the cost of care; revising a cross-reference to conform; creating s. 985.534, F.S., relating to appeals in juvenile cases; renumbering s. 985.234, F.S.; creating s. 985.535, F.S., relating to time for taking appeal by the state; renumbering s. 985.235, F.S.; creating s. 985.536, F.S., relating to orders or decisions when the state appeals; renumbering s. 985.236, F.S.; creating s. 985.556, F.S., relating to voluntary and involuntary waivers of juvenile court jurisdiction and hearings for such waivers; amending and renumbering s. 985.226, F.S.; revising cross-references to conform; creating s. 985.557, F.S., relating to discretionary and mandatory criteria for the direct filing of an information against a juvenile offender in the criminal division of the circuit court; amending and renumbering s. 985.227, F.S.; revising cross-references to conform; creating s. 985.56, F.S., relating to indictment of juvenile offenders; amending and renumbering s. 985.225, F.S.; revising a reference and cross-references to conform; creating s. 985.565, F.S., relating to powers, procedures, and alternatives available to the court when sentencing juvenile offenders prosecuted as adults; amending, renumbering, and redesignating provisions of s. 985.233, F.S., that relate to such powers, procedures, and alternatives; revising cross-references to conform; creating s. 985.57, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 985.417; creating s. 985.601, F.S., relating to administering the juvenile justice continuum; renumbering provisions of s. 985.404, F.S., that relate to such administration; amending and renumbering s. 985.4043, F.S.; creating s. 985.6015, F.S., relating to the Shared County/State Juvenile Detention Trust Fund; creating s. 985.605, F.S., relating to requirements for prevention service programs; amending and renumbering s. 985.3045, F.S.; revising cross-references to conform; creating s. 985.606, F.S., relating to requirements for agencies and entities providing prevention services; amending and renumbering s. 985.3046, F.S.; revising a cross-reference to conform; creating s. 985.61, F.S., relating to criteria for early delinquency intervention programs; renumbering s. 985.305, F.S.; creating s. 985.614, F.S., relating to interagency cooperation for children who are locked out of their homes; amending and renumbering s. 985.2066, F.S.; creating s. 985.618, F.S., relating to educational and career-related programs; amending and renumbering s. 985.315, F.S.; revising a cross-reference to conform; creating s. 985.622, F.S., relating to a multiagency plan for vocational education; renumbering s. 985.3155, F.S.; creating s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending and renumbering s. 985.317, F.S.; revising a cross-reference to conform; creating s. 985.629, F.S., relating to contracts for the transfer of Florida children in federal custody; renumbering s. 985.419, F.S.; creating s. 985.632, F.S., relating to quality assurance and cost-effectiveness; renumbering s. 985.412, F.S.; creating s. 985.636, F.S., relating to the Office of the Inspector General within the Department of Juvenile Justice; renumbering s. 985.42, F.S.; creating s. 985.64, F.S., relating to the authority of the Department of Juvenile Justice to adopt rules; amending and renumbering s. 985.405, F.S.; creating s. 985.644, F.S., relating to the contracting powers and the personnel standards and screening requirements of the Department of Juvenile Justice; renumbering a provision of s. 985.01, F.S., that relates to such powers; renumbering s. 985.407, F.S.; creating s. 985.648, F.S., relating to consultants; renumbering s. 985.408, F.S.; creating s. 985.652, F.S., relating to participation of certain juvenile programs in the State Risk Management Trust Fund; renumbering s. 985.409, F.S.; creating s. 985.66, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Trust Fund; amending and renumbering s. 985.406, F.S.; revising a cross-reference to conform; creating s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils; amending and renumbering s. 985.4135, F.S.; revising a cross-reference to conform; creating s. 985.668, F.S., relating to innovation

zones; renumbering s. 985.416, F.S.; creating s. 985.672, F.S., relating to direct-support organizations; renumbering s. 985.4145, F.S.; creating s. 985.676, F.S., relating to community juvenile justice partnership grants; amending and renumbering s. 985.415, F.S.; revising cross-references to conform; creating s. 985.682, F.S., relating to studies and criteria for siting juvenile facilities; amending and renumbering s. 985.41, F.S.; creating s. 985.686, F.S., relating to shared county and state responsibility for juvenile detention; renumbering s. 985.2155, F.S.; creating s. 985.688, F.S., relating to administering county and municipal delinquency programs and facilities; amending and renumbering s. 985.411, F.S.; revising a cross-reference to conform; creating s. 985.69, F.S., relating to one-time startup funding for juvenile justice purposes; renumbering s. 985.4075, F.S.; creating s. 985.692, F.S., relating to the Juvenile Welfare Trust Fund; renumbering s. 985.4041, F.S.; creating s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; renumbering s. 985.4042, F.S.; creating s. 985.701, F.S., relating to prohibiting sexual misconduct, reporting requirements, and penalties; renumbering s. 985.4045, F.S.; creating s. 985.711, F.S., relating to penalties for the introduction, removal, or possession of certain articles; renumbering s. 985.4046, F.S.; creating s. 985.721, F.S., relating to escapes from secure detention or residential commitment facilities; amending and renumbering s. 985.3141, F.S.; revising a cross-reference to conform; creating s. 985.731, F.S., relating to sheltering or aiding unmarried minors; renumbering s. 985.2065, F.S.; creating s. 985.801, F.S., relating to legislative findings, policy, and implementation of the Interstate Compact on Juveniles; renumbering s. 985.501, F.S.; creating s. 985.802, F.S., relating to execution of the interstate compact; renumbering s. 985.502, F.S.; creating s. 985.803, F.S., relating to the administrator of the juvenile compact; renumbering s. 985.503, F.S.; creating s. 985.804, F.S., relating to supplementary agreements to the compact; renumbering s. 985.504, F.S.; creating s. 985.805, F.S., relating to financial arrangements related to the compact; renumbering s. 985.505, F.S.; creating s. 985.806, F.S., relating to the responsibilities of state departments, agencies, and officers; renumbering s. 985.506, F.S.; creating s. 985.807, F.S., relating to procedures in addition to those provided under the compact; renumbering s. 985.507, F.S.; creating s. 985.8025, F.S., relating to the State Council for Interstate Juvenile Offender Supervision; renumbering s. 985.5023, F.S.; repealing ss. 985.215(6), 985.231(1)(b), (c), (f), and (i), and (2) and 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025, 318.21, 397.334, 400.953, 419.001, 435.04, 790.115, 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming cross-references; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1850, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Rich and Lynn—

SB 1850—A bill to be entitled An act relating to programs of the Department of Children and Family Services; amending s. 394.455, F.S.; providing and revising definitions; amending s. 394.463, F.S.; providing that a marriage and family therapist may execute a certificate for involuntary examination; amending s. 394.4655, F.S.; providing that a marriage and family therapist or mental health counselor may deem a services treatment plan clinically appropriate for an involuntary outpatient placement; amending s. 394.467, F.S.; requiring that documentation of any evaluation performed by a marriage and family therapist or mental health counselor be provided when a patient is ordered for involuntary inpatient placement; amending s. 383.0115, F.S.; deleting a provision that repeals the Commission on Marriage and Family Support Initiatives; directing the Department of Children and Family Services to advise the Legislature when the commission ceases to be essential; amending s. 397.451, F.S.; requiring service provider personnel who request an exemption from disqualification to submit the request within a certain time after notification of the disqualification; deleting a provision specifying that service provider personnel shall not be adversely affected pending disposition of an exemption from disqualification; deleting a provision requiring immediate dismissal of service provider personnel upon disapproval of a request for an exemption; prohibiting the department from issuing a regular license to a service provider that fails to provide proof that background screening information has been submitted providing that upon notification of the disqualification, the service provider shall comply with requirements regarding exclusions from employment in s. 435.06, F.S.; repealing s. 3, ch. 2003-279, Laws of Florida; requiring the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Agency for Health Care Administration, and the Department of Elderly Affairs to convene a workgroup for the purpose of implementing a statewide system for ensuring the provision of services for adults with disabilities; requiring that the Department of Children and Family Services coordinate the workgroup; requiring the workgroup to report to the Governor and the Legislature by a specified date; requiring the participating agencies to support the expenses of workgroup members; requiring that the recommendations of the workgroup be incorporated into certain interagency agreements; abrogating the repeal of s. 20.19(2)(c) and (4)(b)6. and 8., F.S., relating to the appointment of certain mental health and substance abuse positions and the establishment of program offices for mental health and substance abuse; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1922 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health Care and Senator Peaden—

CS for SB 1922—A bill to be entitled An act relating to the State Long-Term Care Ombudsman Program; amending s. 400.0060, F.S.; providing and revising definitions; amending s. 400.0061, F.S.; revising legislative findings and intent; amending s. 400.0063, F.S.; revising provisions relating to qualifications of the State Long-Term Care Ombudsman; revising duties of the legal advocate; amending s. 400.0065, F.S.; revising duties and responsibilities of the State Long-Term Care Ombudsman; requiring an annual report; deleting provisions relating to conflict of interest; repealing s. 400.0066, F.S., relating to the Office of State Long-Term Care Ombudsman and departments of state government; amending s. 400.0067, F.S.; revising duties and membership of the State Long-Term Care Ombudsman Council; providing for election of a local council member from each local council to provide representation on the state council; authorizing the Secretary of Elderly Affairs to recommend to the Governor appointments for at-large positions on the state council; providing conditions for removal of members of and for filling vacancies on the state council; providing for election of officers and meetings; providing for per diem and travel expenses if approved by the ombudsman; deleting provisions relating to conflicts of interest and requests for appropriations; amending s. 400.0069, F.S.; authorizing the State Long-Term Care Ombudsman to designate and direct local long-term care ombudsman councils; requiring approval by the Secretary of Elderly Affairs of jurisdictional boundaries designated by the ombudsman; revising duties of local long-term care ombudsman councils; providing requirements and application for membership, election of officers, and meetings of local long-term care ombudsman councils; providing conditions for removal of members; providing for travel expenses for members of the council; deleting provisions relating to conflicts of interest; creating s. 400.0070, F.S.; consolidating provisions relating to conflicts of interest of the ombudsman; providing rulemaking authority to the Department of Elderly Affairs regarding conflicts

of interest; amending s. 400.0071, F.S.; requiring rules for receiving, investigating, and assessing complaints against long-term care facilities; deleting provisions requiring the posting and distribution of copies of such procedures; amending s. 400.0073, F.S.; providing conditions for investigations of complaints by state and local ombudsman councils; providing that refusing to allow the ombudsman or a member of a state or local council to enter a long-term care facility is a violation of ch. 400, F.S., under certain circumstances; deleting conditions for onsite administrative inspections; creating s. 400.0074, F.S.; providing conditions and requirements for onsite administrative assessments of nursing homes, assisted living facilities, and adult family-care homes; prohibiting forcible entry of long-term care facilities; providing that refusing to allow the ombudsman or a member of a state or local council to enter a long-term care facility is a violation of ch. 400, F.S., under certain circumstances; amending s. 400.0075, F.S.; providing complaint notification procedures for state and local councils; providing circumstances in which information relating to violations by a long-term care facility is provided to a local law enforcement agency; amending s. 400.0078, F.S.; requiring information relating to the State Long-Term Care Ombudsman Program to be provided to residents of long-term care facilities or their representatives; amending s. 400.0079, F.S.; providing for immunity from liability for certain persons; amending s. 400.0081, F.S.; requiring long-term care facilities to provide the Office of State Long-Term Care Ombudsman and state and local councils and their members with access to the facility and the records and residents of the facility; authorizing rather than requiring the department to adopt rules regarding access to facilities, records, and residents; amending s. 400.0083, F.S.; prohibiting certain actions against persons who file complaints; providing penalties; repealing s. 400.0085, F.S., relating to a penalty; amending s. 400.0087, F.S.; providing for oversight by and responsibilities of the department; requiring the department to provide certain funding for the State Long-Term Care Ombudsman Program; amending s. 400.0089, F.S.; requiring the office to maintain a data reporting system relating to complaints about and conditions in long-term care facilities and to residents therein; requiring the office to publish and include certain information in its annual report; amending s. 400.0091, F.S.; providing for training of employees of the office and members of the state and local councils; requiring the ombudsman to approve the curriculum and providing contents thereof; requiring certification of employees by the ombudsman; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1956 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Aronberg—

CS for SB 1956—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; providing a short title; providing definitions; revising provisions relating to land trust transfers of real property and vesting of ownership in a trustee; deleting a requirement that a trustee be qualified to act as a fiduciary; deleting obsolete references to "dower" and "curtesy"; specifying rights, liabilities, and duties of land trust beneficiaries; providing that the principal residence of a beneficiary which is held in a land trust is entitled to the homestead tax exemption under certain circumstances; providing for the appointment of successor trustees; providing requirements for declarations of appointment; providing that a trustee of a land trust may be a creditor of the trust or of a trust beneficiary; amending s. 201.02, F.S.; conforming a cross-reference; providing application; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1958, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Community Affairs, Environmental Preservation and Senators Aronberg, Baker and Posey—

CS for CS for SB 1958—A bill to be entitled An act relating to airboats; amending s. 327.02, F.S.; defining the terms "airboat" and "muffler"; conforming terminology; creating s. 327.391, F.S.; providing for the regulation of airboat operation and equipment; requiring a sound-muffling device, as described; requiring the display of flags, as described; providing penalties; amending s. 327.60, F.S.; prohibiting an ordinance or local law from discriminating against airboats; providing an exception; amending s. 327.73, F.S.; providing penalties; amending s. 327.731, F.S.; providing for mandatory education; amending ss. 320.08, 328.17, 342.07, and 715.07, F.S.; correcting cross-references; amending s. 713.78, F.S.; correcting cross-references and conforming terminology; amending s. 616.242, F.S.; conforming terminology; providing effective dates.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2034 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Education Appropriations and Senator Baker—

CS for SB 2034—A bill to be entitled An act relating to educational opportunities for children and spouses of deceased or disabled veterans and servicemembers; amending s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of disabled servicemembers; amending s. 295.02, F.S.; specifying uses of funds appropriated for such educational opportunities; amending s. 295.03, F.S., relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology; amending s. 295.05, F.S., relating to enrollment as a prerequisite to receipt of benefits; revising terminology; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 2114, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Health Care and Banking and Insurance—

CS for CS for CS for SB 2114—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.068, F.S.; specifying information to

be included in a crash report; creating a rebuttable presumption regarding the existence of passengers; specifying conditions relating to reporting passengers; 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; providing appropriations; authorizing positions and a salary rate; abrogating the repeal of provisions pertaining to the Florida Motor Vehicle No-Fault Law; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2184, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Children and Families, Judiciary and Senator Campbell—

CS for CS for SB 2184—A bill to be entitled An act relating to parental relocation with a child; amending s. 61.13, F.S.; deleting standards for determining whether to allow a primary residential parent to move a child; creating s. 61.13001, F.S.; providing definitions; providing for the relocation of a child by agreement; providing for notification of certain persons of the intent to relocate a child and providing procedures therefor; requiring that certain information be provided on a Notice of Intent to Relocate; providing procedures for objecting to the relocation of a child; providing applicability of public records law; providing for content of an objection to relocation; authorizing the court to grant a temporary order restraining the relocation of a child under certain circumstances; prohibiting certain presumptions and requiring that certain factors be evaluated by the court with regard to relocation of a child; assigning the burden of proof in cases of relocation of a child; authorizing the court to order certain contact with the child by the nonrelocating party; granting priority for certain hearings and trials under s. 61.13001, F.S.; amending s. 28.241, F.S.; providing that the filing of certain notices and orders regarding an uncontested relocation are exempt from filing fees; providing applicability; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2340 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 2340—A bill to be entitled An act relating to trust funds; creating s. 20.3151, F.S.; creating the Administrative Trust Fund within the Department of Corrections; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2342 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 2342—A bill to be entitled An act relating to trust funds; creating s. 945.21503, F.S.; creating the Federal Grants Trust Fund within the Department of Corrections; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2344 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 2344—A bill to be entitled An act relating to trust funds; creating s. 943.367, F.S.; creating the Administrative Trust Fund within the Department of Law Enforcement; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2346 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 2346—A bill to be entitled An act relating to trust funds; creating s. 943.366, F.S.; creating the Federal Grants Trust Fund within the Department of Law Enforcement; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2348 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Justice Appropriations and Senator Crist—

CS for SB 2348—A bill to be entitled An act relating to trust funds; amending s. 25.241, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state court system; amending s. 25.383, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; creating s. 25.3844, F.S.; creating the Operating Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; amending s. 29.0195, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; amending s. 35.22, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2350 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 2350—A bill to be entitled An act relating to trust funds; creating s. 25.3842, F.S.; creating the Federal Grants Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2432, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health Care and Senator Constantine—

CS for SB 2432—A bill to be entitled An act relating to prepaid limited and discount medical plans; amending s. 636.044, F.S.; exempting certain sellers of travel from licensing requirements to sell prepaid limited health service contracts that cover the cost of transportation provided by an air ambulance service; providing an effective date.

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

Referred to the Calendar of the House.

Votes After Roll Call

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

Rep. Arza:

Yeas—April 25: 838; May 1: 1021, 1051

Nays—April 6: 732

Rep. Bense:

Yeas—April 20: 810, 811; April 25: 847; May 1: 1007, 1021, 1045, 1046, 1047, 1048

Rep. Cannon:

Yeas—May 1: 1041

Rep. Coley:

Yeas—May 1: 1041

Rep. Kendrick:

Yeas—April 28: 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002; May 1: 1004, 1005

Rep. Richardson:

Yeas—May 1: 1046

Yeas to Nays—May 1: 1046

Nays to Yeas—May 1: 1046

Rep. Ryan:

Yeas—May 1: 1016

Cosponsors

HB 29—Traviesa

HB 55—A. Gibson

HB 217—Cannon

HB 241—Gottlieb

HB 373—Traviesa

HB 963—Harrell

HB 1037—Traviesa

HB 1347—Goldstein, Kottkamp

HB 1365—Bullard, Goldstein, Hays, Porth

HB 1435—Hasner

HB 1567—Troutman

HJR 1569—Troutman

HB 7055—Bendross-Mindingall

HB 7079—Hukill

HB 7107—Bendross-Mindingall

HB 7117—Murzin

HB 7139—Hasner

Cosponsors of Combined Bills

HCB 6001 (for HBs 117, 477)—Fields, Gottlieb

Introduction and Reference

By Representative Gannon—

HR 9131—A resolution designating May 1-7, 2006, as "Brain Tumor Action Week 2006" in Florida.

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

By Representative Coley—

HR 9133—A resolution honoring Chipola College student Kimberly Garske, Florida's 2006 New Century Scholar.

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

Communications

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

May 2, 2006—SB 542

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 5:26 p.m., to reconvene at 9:00 a.m., Wednesday, May 3, or upon call of the Chair.