



# The Journal OF THE House of Representatives

Number 16

Tuesday, April 24, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by Pastor Glenn Bass of Faith Presbyterian Church of Tallahassee, upon invitation of Rep. Ausley:

Almighty God, bless those who hold office in the government for this state, city, and town, that they may do their work in a spirit of kindness, justice, and wisdom, and to see that one of the greatest virtues is having the wisdom to know and do what is right for all. Help them use their authority to serve faithfully and promote the general welfare for all. Amen.

The following Members were recorded present:

Session Vote Sequence: 152

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Crow                | Holloway    | Paul       |
| Alexander           | Cusack              | Jennings    | Peterman   |
| Allen               | Davis               | Johnson     | Prieguez   |
| Andrews             | Detert              | Joyner      | Rich       |
| Arza                | Diaz de la Portilla | Justice     | Richardson |
| Attkisson           | Diaz-Balart         | Kallinger   | Ritter     |
| Atwater             | Dockery             | Kendrick    | Romeo      |
| Ausley              | Farkas              | Kilmer      | Ross       |
| Baker               | Fasano              | Kosmas      | Rubio      |
| Ball                | Fields              | Kottkamp    | Russell    |
| Barreiro            | Fiorentino          | Kravitz     | Ryan       |
| Baxley              | Flanagan            | Kyle        | Seiler     |
| Bean                | Frankel             | Lee         | Simmons    |
| Bendross-Mindingall | Gannon              | Lerner      | Siplin     |
| Bennett             | Garcia              | Littlefield | Slosberg   |
| Bense               | Gardiner            | Lynn        | Smith      |
| Benson              | Gelber              | Machek      | Sobel      |
| Berfield            | Gibson              | Mack        | Sorensen   |
| Betancourt          | Goodlette           | Mahon       | Spratt     |
| Bilirakis           | Gottlieb            | Mayfield    | Stansel    |
| Bowen               | Green               | Maygarden   | Trovillion |
| Brown               | Greenstein          | McGriff     | Wallace    |
| Brummer             | Haridopolos         | Meadows     | Waters     |
| Brutus              | Harper              | Mealor      | Weissman   |
| Bucher              | Harrington          | Melvin      | Wiles      |
| Bullard             | Hart                | Miller      | Wilson     |
| Byrd                | Henriquez           | Murman      | Wishner    |
| Cantens             | Heyman              | Needelman   |            |
| Clarke              | Hogan               | Negron      |            |

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

A quorum was present.

## Pledge

The Members, led by Brianna Barry of Tallahassee, Daniel Ben-Zadok of Weston, Taylor Bense of Panama City, Robert H. Berntsson II of Port Charlotte, Christopher Corr, Courtney Corr of Jacksonville, Brittany Fishel of Panama City, and Timothy D. Meadows of Orlando, pledged allegiance to the Flag. Brianna Barry served at the invitation of Rep. Byrd. Daniel Ben-Zadok served at the invitation of Rep. Rich. Taylor Bense served at the invitation of his father, Rep. Bense. Robert H. Berntsson II served at the invitation of Rep. Paul. Courtney Corr and Brittany Fishel served at the invitation of Speaker Feeney. Timothy D. Meadows served at the invitation of Rep. Allen.

## House Physician

The Speaker introduced Dr. John R. Hayes of Boca Raton, who served in the Clinic today upon invitation of Rep. Slosberg.

## Correction of the Journal

The *Journal* of April 23 was corrected and approved as corrected.

The *Journal* of April 16 was corrected and approved as follows: On page 527, column 2, delete lines 11 through 12 from the bottom.

And on line 8 from the bottom, in CS/HB 415, delete Kyle

The *Journal* of March 30 was further corrected as follows: On page 399, column 1, between lines 16 and 17 from the bottom, insert: Referred to the Calendar of the House.

And between lines 8 and 9 from the bottom, insert: Referred to the Calendar of the House.

And beneath line 1 from the bottom, insert: Referred to the Calendar of the House.

The *Journal* of March 21 was further corrected as follows: On page 324, column 1, 4 lines from the bottom, delete "Crime Prevention, Corrections & Safety;"

And in column 2, lines 4 through 5 from the top, delete "Agriculture & Consumer Affairs;"

And on page 325, column 1, lines 20 through 21 from the bottom, delete "Judicial Oversight" and insert in lieu thereof: State Administration

And in column 2, lines 28 through 29 from the bottom, delete "Local Government & Veterans Affairs;"

**Reports of Councils and Standing Committees**

**Reports of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 23, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, April 24, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/HB 1925—Elections
  - CS/HB 1921—Voting Systems
  - HB 1323—Department of State (RAB)
  - HB 1757—Absentee Ballots
  - HB 749—Absentee Ballots
  - HB 189—Military Voter Protection Act
  - HB 1935—Legislature/Convening Date/2002
  - HR 9003—Tax Relief Proposal
  - CS/HB 347—Public Employee Optional Retirement
  - CS/CS/HB 503—Public Employee Optional Retirement
  - HB 449—Civil Actions/Firearms & Ammunition
  - HB 505—Sex Crimes/Time Limitations
  - HB 1747—Controlled Substances/Hydrocodone
  - CS/HB 203—Child Pornography
  - CS/HB 257—Road Designations/Miami-Dade Co.
  - HB 1863—Onsite Sewage Treatment & Disposal
  - HB 559—Pinellas Co. School Board
  - HB 829—Broward Co./Lauderdale-By-The-Sea
  - HB 831—Broward Co./Pompano Beach
  - HB 835—Broward Co./Corporate Boundaries
  - HB 837—Sunshine Drainage District
  - HB 843—Coral Springs/Corporate Limits
  - HB 853—Pinellas Co./Tourist Dev. Council
  - HB 867—Hillsborough Co./Tourist Development
  - HB 869—Broward Co./Concurrency Requirements
  - HB 873—West Palm Beach/Police Pension
  - HB 915—Ft. Lauderdale/Dania Beach

- II. Time Certain - 4:00 p.m. - Local Bill Calendar for Tuesday, April 24, 2001:

- HB 115—City of Marathon/Police Powers
- CS/HB 479—Rainbow Lakes Estates District
- HB 585—Martin Co./Tax/Indigent Health Care
- HB 629—Sheriff/Employees & Appointees
- HB 763—Monroe Co./Key West Utility Board
- HB 775—Collier Mosquito Control District
- HB 777—Public Transportation Commission
- HB 799—Glades/Hendry Co./Barron Water Dist.
- HB 845—West Lauderdale Water Control Dist.
- HB 847—Dog Island Conservation District
- HB 849—Emergency Medical Services Authority
- HB 851—Hillsborough Co. Hospital Authority
- HB 855—Citrus County Hospital Board
- HB 857—Highland Glades Water Control Dist.
- HB 859—Gladeview Water Control District
- HB 879—South Indian River Water Control
- HB 885—Hillsborough Co./Hospital Liens
- HB 887—Ocean City-Wright Fire Control Dist.
- HB 897—Clay Co. Development Authority
- HB 901—Jacksonville/Air & Water Pollution
- HB 903—City of Jacksonville
- HB 905—Broward Co./Pine Tree Water District
- HB 911—Hillsborough Co./Tampa
- HB 919—Escambia Co. Utilities Authority
- HB 927—Pinellas Park Water Mgmt. District
- HB 929—Rupert J. Smith Law Library
- HB 931—Coral Springs Improvement District
- HB 937—Escambia Co./City of Pensacola

- HB 939—Pensacola-Escambia Govt. Center
- HB 943—Immokalee Fire Control District
- HB 945—Palm Beach Co./Solid Waste Authority
- HB 975—Sebring Airport Authority
- HB 1037—West Manatee Fire & Rescue District
- HB 1041—Ft. Myers Beach Mosquito Cont. Dist.
- HB 1115—Brevard Co./Melbourne-Tillman Dist.
- HB 1125—Monroe Co./Water Quality Standards
- HB 1183—Englewood Area Fire Control District
- HB 1815—Santa Rosa Co. Civil Service Board
- HB 1851—Manatee Co./Fire Prevention/Marshal
- HB 1855—Holiday Park Park & Recreation Dist.
- HB 1857—Tri-Par Estates Park District
- HB 1859—Collier Co./Governmental Powers
- HB 1887—Dorcas Fire District
- HB 1897—Ft. Walton Beach Area Bridge Auth.
- HB 1899—Lake Weir/Watercraft Speeds
- HB 1903—Escambia Co. Civil Service System

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

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, **HR 9069** was added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 23, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits the following Special Rule report:

- I. Special Rule 01-11 applies to each bill on Third Reading during days 50-58 of the 2001 Regular Session.
- II. Pursuant to Special Rule 01-12 which applies to CS/HB 1921, the attached 3 amendments were approved for floor consideration (amendments 130935, 781917, and 173025).
- III. Pursuant to Special Rule 01-13 which applies to CS/HB 1925, the attached 8 amendments were approved for floor consideration (amendments 545881, 571173, 245775, 633661, 412611, 102897, 582609, and 713047).
- IV. Pursuant to Special Rule 01-14 which applies to CS/HB 1533, the attached 5 amendments were approved for floor consideration (amendments 234981, 062771, 981421, 601975, and 801849).

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

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

**Special Rule 01-11**

*Bill(s):* Each bill on third reading during days 50 through 58 of the 2001 Regular Session.

During days 50 through 55 of the 2001 Regular Session, any bill on third reading shall be temporarily postponed. Upon motion by the Chair of the Procedural & Redistricting Council and with the approval of a majority of the House, the House shall advance or revert to the Order of Business of Bills and Joint Resolutions on Third Reading to consider the specific bill or bills designated in the motion. Following consideration of these bills, the House may return to the previous Order of Business by motion of the Chair of the Procedural & Redistricting and approval of the the majority of the House.

During days 56 through 58 of the 2001 Regular Session, a bill on third reading shall be considered by the House only in accordance with a report submitted by the Procedural & Redistricting Council in the form of a Third Reading Calendar. The Third Reading Calendar may be submitted to the House in conjunction with the Special Order Calendar or as a separate report.

Notwithstanding House Rule 10.13 (a), such Third Reading Calendars from the Procedural & Redistricting Council shall specify the date and sequence for the consideration of identified bills on third reading. Notice and amendment filing deadlines for a Third Reading Calendar shall be the same as apply to a Special Order Calendar. A previously adopted Third Reading Calendar shall expire upon adoption of new Third Reading Calendar.

This Special Rule does not apply to Senate Bills taken up instant as Senate Messages or to specific policies adopted by the House for consideration of local bills or consent calendar bills.

**Special Rule 01-12**

*Bill(s):* HB 1921 by Rules, Ethics, & Elections and Rep. Goodlette relating to voting systems (or subsequent version reported by committee or council)

Summary: The Special Rule includes a structured condition for consideration of amendments and covers consideration of the bill on third reading.

*Floor Leaders:*

- Rep. Byrd for the Proponents
- Rep. Ryan for the Opponents

*Floor Consideration:*

3<sup>rd</sup> Reading

During third reading, up to a total of 75 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 30 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ **X**    Structured  
                                   \_\_\_\_\_ Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 2 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 130935, 781917, and 173025 attached]

**Special Rule 01-13**

*Bill(s):* HB 1925 by Rules, Ethics, & Elections and Rep. Goodlette (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

- Rep. Byrd for the Proponents
- Rep. Smith for the Opponents

*Floor Consideration:*

2<sup>nd</sup> Reading

During second reading, up to a total of 160 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bill and to ask and answer questions and for the House to consider amendments. From this time, the sponsor(s) shall be allowed 10 minutes to explain the bills. The floor leaders will each be allocated a total of 75 minutes for the purpose of questions and answers and for consideration of amendments. Floor leaders may yield their time to other Members.

3<sup>rd</sup> Reading

During third reading, up to a total of 75 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 30 minutes for the purpose of debate, and may yield their time to other Members.

During both 2<sup>nd</sup> and 3<sup>rd</sup> Readings, no Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ **X**    Structured  
                                   \_\_\_\_\_ Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 6 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 545881, 571173, 245775, 633661, 412611, 102897, 582609, and 713047 attached]

**Special Rule 01-14**

*Bill(s):* CS/HB 1533 by Colleges & Universities and Rep. Lynn and others (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

- Rep. Melvin for the Proponents
- Rep. Richardson for the Opponents on Second Reading
- Rep. Bucher for the Opponents on Third Reading

*Questions and Debate:*

3<sup>rd</sup> Reading

During third reading, up to a total of 115 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 50 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker. All recognitions must go through the Speaker.

Amendments:                    \_\_\_\_\_ Open  
   \_\_\_\_\_ X     Structured  
   \_\_\_\_\_ Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 4 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 234981, 062771, 981421, 601975, and 801849 attached]

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

**Motions**

Rep. Diaz-Balart explained the procedure for consideration of Local Bills, which was adopted on motion by Rep. Byrd.

On motion by Rep. Byrd, the rules were waived and HRs 9025, 9031, 9037, 9045, 9053, 9057, 9059, 9061, 9063, 9065, and 9071 were approved for adoption by publication, subject to an objection process where an objection by any Member to any resolution prior to 5:00 p.m. on Wednesday, April 25, would remove it from the list.

**Motions Relating to Committee or Council References**

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 61 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 653 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 291 was withdrawn from the Committee on State Administration and remains referred to the Committee on General Government Appropriations and the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 793 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 557 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 863 was withdrawn from the Committee on Rules, Ethics & Elections and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1095 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Committee on Fiscal Policy & Resources and the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1129 was withdrawn from the Committee on Education Appropriations and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1187 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1365 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 891 was withdrawn from the Committee on Natural Resources & Environmental Protection and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1477 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1915 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1621 was withdrawn from the Committee on Economic Development & International Trade and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1587 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1673 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1683 was withdrawn from the Committee on Transportation and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1683 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1889 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1891 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1893 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1915 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

**Bills and Joint Resolutions on Third Reading**

Pursuant to adoption of Special Rule 01-11 earlier today, consideration of **CS/HB 1199** was temporarily postponed.

**Special Orders**

**Special Order Calendar**

**Bill Subject to Special Rule**

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to

conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

—was read the second time by title.

On motion by Rep. Byrd, Special Rule 01-13 for CS/HB 1925 was adopted.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 545881)

**Amendment 1**—On page 32, lines 18-26  
remove from the bill: all of said lines

and insert in lieu thereof:

(5) *The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).*

Section 32. (1) *The statewide voter registration database, created pursuant to s. 98.0977, Florida Statutes, by this act, shall be operational by June 1, 2002.*

(2) *Funding for the analysis, design, development, operation, and maintenance of the statewide voter registration database pursuant to s. 98.0977(1), Florida Statutes, shall be as provided for in the 2001-2002 General Appropriations Act.*

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

Representative(s) Smith, Wilson, and Sobel offered the following:

(Amendment Bar Code: 571173)

**Amendment 2 (with title amendment)**—On page 61, between lines 6 and 7,

insert:

Section 51. Section 98.255, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 98.255, F.S., for present text.)*

*98.255 Voter-education programs.—*

(1) *By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:*

- (a) *Voter registration;*
- (b) *Balloting procedures, absentee and polling place;*
- (c) *Voter rights and responsibilities;*
- (d) *Distribution of sample ballots; and*
- (e) *Public service announcements.*

(2) *Each supervisor of elections shall implement the minimum voter-education standards and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.*

(3)(a) *By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.*

(b) *The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.*

(c) *The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a*

basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

(4) The State Board of Education shall adopt rules for expanding civic education programs in high schools in the state. The expansion must contain a voter-education program and include basic instruction in voter skills. The supervisor of elections in each county shall cooperate with the district school board in conducting and implementing the voter-education program required under this subsection, however, the program required under this subsection shall be in addition to, and not in lieu of, the nonpartisan voter education required under subsection (1).

Section 52. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;

(b) Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.

(c) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.

(d) No inspector shall work at the polls unless he or she has had a minimum of three hours of training.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) State, county, and municipal workers who volunteer to serve as clerks and inspectors and whose jobs are not of an emergency nature may work at the polls, as needed, in lieu of their normal work.

(7) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 53. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 54. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

Section 55. Section 97.0584, Florida Statutes, is created to read:

97.0584 Voter registration of high school students.—

(1)(a) Each school district in the state shall establish a voter registration program that provides every eligible student enrolled in a high school in the district the opportunity to register to vote or to update a voter registration record at least once each year in the spring as provided in this section. Registration under this section includes preregistration as authorized under s. 97.041(1)(b).

(b) Participation in the program is mandatory for all public high schools and voluntary for each nonpublic high school.

(2) The social sciences division of each school district shall administer the program for the district and shall coordinate the annual voter registration drive conducted in the participating high schools in the district to ensure compliance with this section.

(3)(a) Each participating high school in the district shall conduct a voter registration drive each spring pursuant to this section with the goal of registering a number of students equal to its base group. The base group for each school shall consist of those students who are enrolled in American Government or Economics classes, who are at least 17 years of age as of April 10 of the year of the registration drive, and who meet the requirements to become a registered voter specified in s. 97.041. If the goal is not met with the base group, students who are enrolled in a social studies class other than American Government or Economics and who are otherwise eligible may participate. If the goal is still not met, students who are not enrolled in any social science class but who are otherwise eligible may participate.

(b) Each participating high school shall conduct a review of the voter registration applications filled out by students at the school to ensure compliance with the requirements for completeness specified in s. 97.053(5) and shall submit the completed voter registration applications to the school district for submission to the supervisor of elections.

(4) *The supervisor of elections of the county shall provide the voter registration forms and other materials and support necessary to assist the school district in carrying out its responsibilities under this section.*

(5) *This section neither requires an eligible student to register nor prevents a school district from providing eligible students the opportunity to register at other times of the school year.*

(6) *As an adjunct to the program and to familiarize students with the voting system used in the county of their school district, each school district shall make arrangements with the supervisor of elections for use of the county's voting equipment in any election held in a high school in the district in which only students are candidates, provided there is no conflict with another scheduled election.*

Section 56. Section 97.041, Florida Statutes, reads:

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 17th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

Section 57. Subsection (5) of section 97.053, Florida Statutes, reads:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation

and that the voter may change party affiliation as provided in s. 97.1031.

And the title is amended as follows:

On page 5, line 2,

after the semicolon, insert: amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; requiring the State Board of Education to adopt rules expanding high school civic education programs to include voter education; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training; creating s. 97.0584, F.S.; requiring each school district to establish a voter registration program that offers eligible high school students in the district the opportunity to register to vote or to update a voter registration record at least once a year in the spring; providing that participation is mandatory for public high schools and voluntary for nonpublic high schools; providing requirements of the participating high schools, the school districts, and the supervisors of elections with respect to the program; specifying eligibility requirements; providing for use of county voting equipment in certain school elections;

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Representative(s) Smith offered the following:

(Amendment Bar Code: 633661)

**Amendment 3 (with title amendment)**—On page 61, between lines 6 and 7, of the bill

insert:

Section 51. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct *for each election* and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

(2) *The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:*

#### VOTER'S BILL OF RIGHTS

*Each registered voter in this state has the right to:*

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Up to two replacement ballots if he or she has voted in error.*
5. *An explanation if his or her registration is in question.*
6. *Cast a provisional ballot if his or her registration is in question.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*

8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*

9. *Vote free from coercion or intimidation by elections officers or any other person.*

10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

1. Study and know candidates and issues.
2. Keep his or her voter address current.
3. Know his or her precinct and its hours of operation.
4. Bring proper identification to the polling station.
5. Know how to operate voting equipment properly.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report problems or violations of election law.
9. Ask questions when confused.
10. Check his or her completed ballot for accuracy.

(3) *Nothing in this section shall give rise to a legal cause of action.*

(4)(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

And the title is amended as follows:

On page 5, line 2,

after the semicolon insert: amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections;

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 3** was temporarily postponed under Rule 11.10.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 412611)

**Amendment 4 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (11) through (20) and (22) through (30) of section 97.021, Florida Statutes, are renumbered as subsections (12) through (21) and (24) through (32), respectively, present subsection (21) is renumbered as subsection (22) and amended, and new subsections (11) and (23) are added to said section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) *“Error in the vote tabulation” means the failure of a vote tabulation system to count a vote for a candidate when the voter’s intent is clearly ascertainable.*

(21) *“Primary election” means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary election is a nomination or elimination election; the second primary is a nominating election only.*

(23) *“Provisional ballot” means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:*

(a) *The voter’s name does not appear on the precinct register and verification of the voter’s eligibility cannot be determined.*

(b) *There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.*

Section 2. Section 100.061, Florida Statutes, is amended to read:

100.061 ~~First~~ Primary election.—In each year in which a general election is held, a ~~first~~ primary election for nomination of candidates of political parties shall be held on the ~~second Tuesday in September 9 weeks prior to the general election.~~ *The* Each candidate receiving the highest number ~~a majority~~ of the votes cast in each contest in the ~~first~~ primary election shall be declared nominated for such office. *If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.*

Section 3. Sections 100.091 and 100.096, Florida Statutes, are repealed.

Section 4. Section 10.1008, Florida Statutes, is amended to read:

10.1008 Applicability.—This joint resolution applies with respect to the qualification, nomination, and election of members of the Legislature in the ~~primary primaries and general elections election~~ to be held in 1992 and thereafter.

Section 5. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

Section 6. Subsection (3) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. ~~However, a registration identification card indicating a party affiliation change made between the book closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.~~

Section 7. Subsection (3) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, ~~subject to the issuance restriction in s. 97.071(3).~~



Section 8. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from registration books; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the registration books between the book-closing date of the ~~first~~ primary election and the date of the *subsequent general election* ~~second primary~~ may not register in a different political party *during the period until* after the date of the ~~second~~ primary election *and before the date of the subsequent general election.*

Section 9. Subsections (1), (2), and (8) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the ~~first~~ primary election, but not later than noon of the 116th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the ~~first~~ primary election or special district election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election or special district election. *When However, if a special district election is held at the same time as the ~~second primary~~ or general election, qualifying shall also be the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.*

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the ~~first~~ primary election, but not later than noon of the 53rd day prior to the ~~first~~ primary election.

Section 10. Subsections (1), (2), and (4) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the ~~9th 6th~~ day following the ~~second~~ primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the ~~9th 6th~~ day following the ~~second~~ primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the ~~first or second~~ primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on *the primary election ballot ballots and on advance absentee ballots for the general election.*

Section 11. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the ~~first~~ primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the ~~first~~ primary election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

Section 12. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the ~~first~~ primary election in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all

filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the ~~first~~ primary election.

Section 13. Subsection (2) of section 100.071, Florida Statutes, is amended to read:

100.071 Grouping of candidates on primary election ballot ~~ballots~~.—

(2) Each nominee of a political party chosen in the *primary election primaries* shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

Section 14. Section 100.081, Florida Statutes, is amended to read:

100.081 ~~Conducting primary elections~~; Nomination of county commissioners *at primary election*.—The *primary election elections* shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

Section 15. Paragraph (c) of subsection (1), subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)

(c) If such a vacancy occurs prior to the ~~first~~ primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the ~~first and second~~ primary election elections, the Governor may call a special primary election, ~~and, if necessary, a second special primary election~~, to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall fix the date of a special ~~first~~ primary election, ~~a special second primary election~~, and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary election elections to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for ~~the any~~ special primary election and ~~for~~ the special election to coincide with the dates of the ~~first and second~~ primary election and the general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special ~~first~~ primary election.

(b) The filing of campaign expense statements by candidates in such special *primary election elections* or special *election primaries* and by committees making contributions or expenditures to influence the results of such special *primary election primaries* or special *election elections* shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the alternative method in such special primary election or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the alternative method in a special primary election shall obtain 25 percent of the signatures required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the ~~results~~ result of such special *primary election elections* and *special election primaries* as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election ~~and, if necessary, a second special primary election~~ to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in a special *primary election primaries* shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such *special primary election primaries* as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of a special *primary election elections* and a special *election elections* resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

Section 16. Subsection (2) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—

(2) The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the ~~dates~~ date set for ~~the each~~ special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the alternative method, and the dates fixed for filing campaign expense statements.

Section 17. Subsection (6) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(6) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the first primary election, mail to each supervisor of elections the format of the ballot to be used for the primary election.

Section 18. Subsection (1) of section 101.251, Florida Statutes, is amended to read:

101.251 Information which supervisor of elections must print on ballots.—

(1) The supervisor of elections of each county shall print, on the general election ballots to be used in such county, the names of candidates nominated by primary election or special primary election or selected by the appropriate executive committee of any political party.

Section 19. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the first primary election ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the first primary election ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 20. Paragraph (a) of subsection (4) and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election and not fewer than 45 days before the general election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(7)(a) For the purposes of this section, “absent qualified elector overseas” means:

(a)1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b)2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c)3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered as provided by law.

(8)(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

~~(e) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 21. Subsection (8) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(8) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (9) from among persons who have not received the training required by this section.

Section 22. Subsection (3) and paragraph (b) of subsection (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as party candidates.

(4)

(b) A minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the *first* primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 23. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the *first* primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 24. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the *first* primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the *first* primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 25. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the

county. Candidates shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the *first* primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 26. Subsection (1) and paragraph (b) of subsection (2) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office and candidates for the office of school board member which appear on the ballot at the *first* primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to judicial office and candidates for the office of school board member which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—

(b)1. The names of candidates for the office of circuit judge shall be listed on the *first* primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the *first* primary election, shall have their names listed in the same order as on the *first* primary election ballot, notwithstanding the elimination of any intervening names as a result of the *first* primary election.

Section 27. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the *first* primary election. If any candidate for such office receives a majority of the votes cast for such office in the *first* primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the *first* primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 28. Paragraphs (a) and (b) of subsection (1) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of

such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the ~~first~~ primary election and on the 18th and 4th days immediately preceding the ~~second primary~~ and general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first~~ primary and general elections, ~~and on the 4th, 11th, 18th, and 25th days prior to the second primary.~~

Section 29. Subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$750 ~~\$500~~ to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the ~~first~~ primary election, ~~second primary~~, and the general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. ~~With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.~~

Section 30. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding ~~both the first primary election, the second primary election, and the~~

general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 31. Section 98.0977, Florida Statutes, is created to read:

98.0977 *Statewide voter registration database.*—

(1) *The department shall develop a statewide voter registration database, which shall contain voter registration information from every supervisor of elections in this state and shall be accessible through an Internet web site. Accordingly, the department may contract for the analysis, design, development, operation, and maintenance of a statewide, on-line voter registration database and associated Internet web site. The database system adopted must provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:*

(a) *The voter is deceased;*

(b) *The voter has been convicted of a felony and has not had his or her civil rights restored; or*

(c) *The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.*

*The database shall also allow for duplicate voter registrations to be identified.*

(2) *In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, and the Office of Vital Statistics. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.*

(3) *To the maximum extent feasible, state and local governmental agencies shall facilitate provision of information and access to data to the department and the supervisors of elections in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.*

(4) *The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.*

(5) *Any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).*

Section 32. (1) *The statewide voter registration database, created pursuant to s. 98.0977, Florida Statutes, by this act, shall be operational by June 1, 2002.*

(2) Funding for the design and implementation of the statewide voter registration database shall be as provided for in the General Appropriations Act.

Section 33. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter’s signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:

- (a) Municipalities;
(b) Other governmental agencies;
(c) Political candidates, for the purpose of furthering their candidacies;
(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and
(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

... (Signature of person acquiring list) ...

Sworn and subscribed before me this ... day of ....., ... (year). ... (Name of person providing list) ...

Section 34. Section 101.048, Florida Statutes, is created to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter’s registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter’s Certificate and the envelope marked “Rejected as Illegal.”

(3) The Provisional Ballot Voter’s Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF ...

I do solemnly swear (or affirm) that my name is ...; that my date of birth is ...; that I am registered to vote and at the time I registered I resided at ... in the municipality of ... in ... County, Florida; that I am a qualified voter of the county and have not voted in this election.

... (Signature of Voter) ...
... (Current Address) ...

Sworn to and subscribed before me this ... day of ....., ... (year) ... (Clerk or Inspector of Election) ...

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 35. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered
Voter

Under penalties for false swearing, I, ... (Name of voter) ... , swear (or affirm) that the former address of my legal residence was ... (Address of legal residence) ... in the municipality of ... , in ... County, Florida, and I was registered to vote in the ... precinct of ... County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at ... (Address of legal residence) ... in the Municipality of ... , in ... County, Florida, and am therefore eligible to vote in the ... precinct of ... County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

... (Signature of voter whose address of legal residence has changed) ...

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered
Voter

Under penalties for false swearing, I, ... (New name of voter) ... , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence

appear on the registration books of precinct . . . . as follows:

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .
My present name and address of legal residence are as follows:
Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

. . . (Signature of voter whose name has changed) . . .

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 36. Subsections (1), (2), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be released made until after the closing close of the polls on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a provisional ballot as provided in s. 101.048 execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.

Section 39. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

## 102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. ~~The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet as determined by the Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission.~~ The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event that *the Governor is recused, or any other member of the commission cannot serve, the Governor shall fill the vacancy following the same procedure for appointment to the commission. If no other Cabinet members are available to serve, the Governor shall choose a registered voter to replace the member any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.*

Section 40. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following the ~~first primary election and by 5 p.m. on the 11th day following the and general election and by 3 p.m. on the 3rd day following the second primary.~~

(3) If the returns are not received by the department by the time specified, such returns ~~shall~~ *may* be ignored and the results on file at that time ~~shall~~ *may* be certified by the department.

(4) *If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.*

~~(2) The department shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

~~(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 41. Subsection (4) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(4)(a) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, *each county canvassing the board responsible for certifying the results of the vote on such race or measure shall order a machine recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a machine recount shall recount the ballots with the vote tabulation system. On optical scan*

*machines, a machine recount shall mean actually processing each ballot through the vote tabulation system examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.*

*(b) If, after conducting a machine recount under paragraph (a), the returns for any office reflect that a candidate was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, each county canvassing board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. Manual recounts shall be conducted by the county canvassing boards using the procedures described in s. 102.166. Upon completion of its manual recount, each county canvassing board shall certify the returns for the applicable office or measure.*

Section 42. Section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(1)(a) Any candidate for nomination or election *to a federal, state, or multicounty district office*, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the *Elections Canvassing Commission* ~~appropriate canvassing board~~ a sworn, written protest.

~~(b)(2) Such protest shall be filed with the Elections Canvassing Commission canvassing board prior to the time the Elections Canvassing Commission canvassing board certifies the results for the office being protested or within 72 hours 5 days after the closing of the polls in that election midnight of the date the election is held, whichever occurs later.~~

~~(3) Before canvassing the returns of the election, the canvassing board shall:~~

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.~~

*(c) Upon receipt of a sworn, written protest, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy that which could affect the outcome of an election, the Elections Canvassing Commission may direct each county canvassing board to may recount the ballots on the automatic tabulating equipment.*

*(d)1.(4)(a) Upon completion of a machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c), any candidate for federal, state, or multicounty district office whose name appeared on the ballot or, any political committee that supports or opposes a statewide or multicounty an issue that which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the Elections Canvassing Commission county canvassing board for a manual recount of the votes cast with respect to such office or measure that were not counted by an*



otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2.(b) Such request must be filed with the Elections Canvassing Commission ~~canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after completion of the machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c) midnight of the date the election was held, whichever occurs later.~~

3.(e) Based on its evaluation of the validity of the reasons stated in the written request, the Elections Canvassing Commission ~~county canvassing board~~ may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the Elections Canvassing Commission ~~county canvassing board~~ shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) ~~The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.~~

(5) ~~If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:~~

- (a) ~~Correct the error and recount the remaining precincts with the vote tabulation system;~~
- (b) ~~Request the Department of State to verify the tabulation software; or~~
- (c) ~~Manually recount all ballots.~~

(2)(a) Any candidate for nomination or election to a county office, municipal office, or district office not covered by paragraph (1)(a), or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate county canvassing board a sworn, written protest.

(b) Such protest shall be filed with the county canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after the closing of the polls in that election, whichever occurs later.

(c) Upon receipt of a sworn, written protest, the county canvassing board shall:

1. When paper ballots are used, examine the tabulation of the paper ballots cast.
2. When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.
3. When electronic or electromechanical equipment is used, examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy that could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(d)1. Upon completion of a machine recount ordered by a county canvassing board pursuant to subparagraph (c)3., any candidate not

covered by paragraph (1)(d) whose name appeared on the ballot or any political committee that supports or opposes an issue not covered by paragraph (1)(d) which appeared on the ballot may file a written request with the county canvassing board for a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2. Such request must be filed with the canvassing board within 72 hours after the completion of the machine recount ordered pursuant to subparagraph (c)3.

3. Based on its evaluation of the validity of the reasons stated in the written request, the county canvassing board may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the county canvassing board shall manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(3)(6) Any manual recount shall be open to the public.

(4)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine a voter's intent in casting a ballot, using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall be presented to the county canvassing board for it to determine the voter's intent. If the county canvassing board is unable to determine a voter's intent in casting a ballot using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall not be counted in the official canvass.

(5)(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.

(6)(9) When the Department of State verifies such software, the department shall:

- (a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and
- (b) Check the election parameters.

(7)(10) The Department of State shall respond to the county canvassing board within 3 working days.

Section 43. Section 102.167, Florida Statutes, is amended to read:

102.167 Form of protest of election returns.—

(1) The form of the "Protest of Election Returns to the Elections Canvassing Commission" shall be as follows:

**PROTEST OF ELECTION RETURNS TO THE ELECTIONS CANVASSING COMMISSION**

..., Florida

..., (year) . . .

As provided in Section 102.166(1), Florida Statutes, I, . . . of . . . County, Florida, believe the election returns from . . . in the . . . election . . . (year) . . . are erroneous.

I hereby protest the canvass of such returns by the Elections Canvassing Commission, and request that said returns be investigated,

examined, checked, and corrected by the Elections Canvassing Commission. The basis for this protest is . . . . .

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

. . . (Signature of person protesting election returns). . .

(2) The form of the "Protest of Election Returns to Canvassing Board" shall be as follows:

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

. . . . , Florida

. . . . , . . . (year). . .

As provided in Section 102.166(2)(4), Florida Statutes, I, . . . . of . . . . County, Florida, believe the election returns from Precinct No. . . . in the . . . . election . . . (year). . . are erroneous.

I hereby protest the canvass of such returns by the . . . . Canvassing Board, and request that said returns be investigated, examined, checked, and corrected by said Canvassing Board. The basis for this protest is . . . . .

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

. . . (Signature of person protesting election returns). . .

Section 44. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, ~~or of the result on any question submitted by referendum,~~ may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto and the result on any question submitted by referendum may be contested in the circuit court or by any elector ~~qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.~~

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(4), whichever occurs later.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

- (a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.
(b) Ineligibility of the successful candidate for the nomination or office in dispute.
(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.

(4) The canvassing board or the Elections Canvassing Commission ~~election board~~ shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate ~~or, qualified elector, or taxpayer~~ presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding ~~primary or other~~ election.

(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.

Section 45. Subsection (5) is added to section 99.096, Florida Statutes, to read:

99.096 Minor party candidates; names on ballot.—

(5) Notwithstanding any other provision of this section, a minor political party's entire slate of candidates shall be automatically granted ballot access at the general election that immediately follows a statewide or federal election at which any candidate of the minor political party received at least 1 percent of the votes cast statewide, and shall be exempt from the qualifying fee provisions under subsection (2) and the provisions for qualifying by the alternative method under subsection (3), if otherwise qualified for the office sought.

Section 46. Effective June 1, 2002, section 98.0975, Florida Statutes, is repealed.

Section 47. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 48. Except as otherwise provided herein, this act shall take effect July 1, 2001

And the title is amended as follows:
remove from the title of the bill: title of the bill

and insert in lieu thereof: A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; revising campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; providing severability; providing effective dates.

Rep. Ryan moved the adoption of the amendment.

Representative(s) Smith offered the following:

(Amendment Bar Code: 102897)

**Amendment 1 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26,

insert:

Section 48. Paragraph (b) of subsection (2) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(b) A person who has been convicted of any felony by any court of record; *however, such a person's right to register or vote is automatically restored by operation of law, for persons convicted of a forcible felony as defined in s. 776.08, 5 years after completion and satisfaction of all sentences imposed upon such person or, for all other felons, 1 year after completion and satisfaction of all sentences imposed upon such person. For the purposes of this paragraph, "completion and satisfaction of all sentences" occurs when a person is released from incarceration upon expiration of sentence and has paid all court costs and court-ordered restitution and has achieved or completed all other nonmonetary terms and conditions of the sentence or subsequent supervision or, if the person has not been incarcerated for the felony offense, has paid all court costs and court-ordered restitution and has achieved or completed all nonmonetary terms and conditions of community supervision imposed by a court and who has not had his or her right to vote restored pursuant to law. If a majority of the Board of Executive Clemency objects before the automatic restoration of the right to register or vote, such rights shall be restored only upon application to, and approval by, the Board of Executive Clemency.*

Section 49. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Address of property for which the applicant has been granted a homestead exemption, if any.
- (g) Race or ethnicity that best describes the applicant:
  1. American Indian or Alaskan Native.
  2. Asian or Pacific Islander.
  3. Black, not Hispanic.
  4. White, not Hispanic.
  5. Hispanic.
- (h) Sex.
- (i) Party affiliation.
- (j) Whether the applicant needs assistance in voting.
- (k) Name and address where last registered.
- (l) Last four digits of the applicant's social security number.
- (m) Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) Telephone number (optional).

(o) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q) Whether the applicant is a citizen of the United States.

(r) That the applicant has not been convicted of a felony or, if convicted, has had his or her *voting* ~~civil~~ rights restored.

(s) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form must be in plain language and designed so that convicted felons whose *voting* ~~civil~~ rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 50. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her *voting* ~~civil~~ rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 51. Sections 48 through 50 shall take effect on the effective date of an amendment to the State Constitution which authorizes, or removes impediments to, enactment of these sections by the Legislature.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 97.041, F.S.; providing for automatic restoration of former felon's right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending s.s. 97.052, and 97.053, F.S., to conform;

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

Representative(s) Cusack offered the following:

(Amendment Bar Code: 582609)

**Amendment 2 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 48. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(1)(a) A supervisor of elections shall be elected *in a nonpartisan election* in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution.

(b) *As a nonpartisan officer, each supervisor shall be subject to the restrictions on political activity specified in s. 98.017.*

Section 49. Section 98.017, Florida Statutes, is created to read:

98.017 Supervisors of elections; restrictions on political activity.—

(1)(a) A supervisor of elections, as a nonpartisan officer, shall not:

1. Act as a leader or hold an office in a political organization.
2. Publicly endorse or publicly oppose any candidate for public office or any ballot issue.
3. Make speeches on behalf of a political organization.
4. Solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.
5. Accept funds for or from any candidate or political organization.

(b) For purposes of this section, "political organization" means any political committee, committee of continuous existence, or political party and includes any other entity engaging in partisan political activity on behalf of any candidate or ballot issue.

(2) The Commission on Ethics shall have all duties and powers provided in s. 112.322 to investigate violations of this section.

(3) Violation of any provision of this section may be punished as provided in s. 112.317, and the Attorney General may bring a civil action to recover any civil penalty assessed by the Commission on Ethics as provided in s. 112.317(2).

Section 50. Subsection (4) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(4) The ballot shall have the headings, under which appear the names of the offices and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender; the heading "Legislative" and thereunder the offices of state senator and state representative; the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, *and* district superintendent of schools, ~~and supervisor of elections~~. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the primary election, in the order fixed by the Department of State, followed, in the years of their election, by "Party offices," and thereunder the offices of state and county party executive committee members. Immediately following the name of each office on the ballot shall be printed, "Vote for One." When

more than one candidate is to be nominated for office, the candidates for such office shall qualify and run in a group or district. The group or district number shall be printed beneath the name of the office. The names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number there shall be printed the words, "Vote for One." The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or similar surname and one candidate is currently holding that office, the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all the offices as above set forth are not involved, those offices to be filled shall be arranged on the ballot in the order named.

Section 51. Paragraph (a) of subsection (3) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, and district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county offices as are involved in the general election, in the order fixed by the Department of State. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

Section 52. Subsection (3), paragraph (a) of subsection (4), and paragraph (a) of subsection (5) of section 105.031, Florida Statutes, are amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office, *the office of supervisor of elections*, or the office of school board member, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election

assessment, or qualify by the alternative method. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall forward all filing fees to the Department of Revenue for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for *the office of supervisor of elections* or the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office, *the office of supervisor of elections*, or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, . . . (name of candidate) . . ., a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

. . . (Signature of candidate) . . .  
. . . (Date) . . .

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable.

Section 53. Section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices, *the office of supervisor of elections*, and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge, *the office of supervisor of elections*, or the

office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a petition format prescribed by the Division of Elections to be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office, *the office of supervisor of elections*, or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge, *the office of supervisor of elections*, or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

Section 54. Subsections (1) and (4) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office, *candidates for the office of supervisor of elections*, and candidates for the office of school board member which appear on the ballot at the first primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to judicial office, *candidates for the office of supervisor of elections*, and candidates for the office of school board member which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court, *supervisor of elections*, or member of a school board if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031. This subsection shall not apply to the offices of justices and judges seeking retention.

Section 55. Paragraph (a) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, *supervisor of elections*, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

Section 56. Subsection (3) is added to section 105.061, Florida Statutes, to read:

105.061 Electors qualified to vote.—

(3) *The election of the supervisor of elections shall be by vote of the qualified electors of the county.*

Section 57. Section 105.071, Florida Statutes, is amended to read:

105.071 Candidates for judicial office or *the office of supervisor of elections*; limitations on political activity.—A candidate for judicial office or *the office of supervisor of elections* shall not:

(1) Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which she or he is registered to vote.

(2) Campaign as a member of any political party.

(3) Publicly represent or advertise herself or himself as a member of any political party.

(4) *Publicly endorse or oppose any candidate or ballot issue.*

(5) Make political speeches other than in the candidate's own behalf.

(6) Make contributions to *any candidate, political committee, committee of continuous existence, or political party funds.*

(7) Accept contributions *for or from any candidate, political committee, committee of continuous existence, or political party.*

(8) Solicit contributions for *any candidate, political committee, committee of continuous existence, or political party.*

(9) Accept or retain a place on any political party committee.

(10) Make any contribution to any person, group, or organization for its endorsement to judicial office or *the office of supervisor of elections.*

(11) Agree to pay all or any part of any advertisement sponsored by any person, group, or organization wherein the candidate may be

endorsed for judicial office or the office of supervisor of elections by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission. *A candidate for the office of supervisor of elections who violates any provision of this section is liable for a civil fine of up to \$5,000 for each violation, to be determined by the Florida Elections Commission.*

Section 58. Subsection (1) of section 105.08, Florida Statutes, is amended to read:

105.08 Campaign contribution and expense; reporting.—

(1) A candidate for judicial office, *the office of supervisor of elections*, or the office of school board member may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his or her contributions and expenses, and shall file reports pursuant to chapter 106.

Section 59. Section 105.09, Florida Statutes, is amended to read:

105.09 Political activity in behalf of a candidate for judicial office or the office of supervisor of elections limited.—

(1) No political party or partisan political organization shall endorse, support, or assist any candidate in a campaign for election to judicial office or the office of supervisor of elections.

(2) Any person who knowingly, in an individual capacity or as an officer of an organization, violates the provisions of this section *commits* is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 98.015, F.S.; providing that the supervisor of elections is a nonpartisan officer subject to certain restrictions on political activity; providing for the nonpartisan election of supervisors of elections; creating s. 98.017, F.S.; providing restrictions on the political activity of supervisors of elections; providing a definition; authorizing the Commission on Ethics to investigate violations of such restrictions; providing penalties; amending ss. 101.141 and 101.151, F.S., relating to ballot format, to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.071, F.S.; providing limitations on political activity of candidates for supervisor of elections; providing penalties; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties;

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

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Wiles offered the following:

(Amendment Bar Code: 713047)

**Amendment 3 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26,

insert:

Section 48. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. ~~However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.~~

Section 49. Subsection (2) through (9) of section 106.08, Florida Statutes, are renumbered as subsections (3) through (10), newly renumbered sections (3), (8) and (9) are amended and a new subsection (2) is added to said section to read:

(2) *A person, political committee, or committee of continuous existence may not make contributions to the state and county executive committees of a political party, including any subordinate committee of a state or county executive committee of a political party, which contributions, including in-kind contributions, in the aggregate in any calendar year exceed \$5,000.*

~~(3)(2)(a)~~ A candidate may not accept contributions from national, state, ~~including any subordinate committee of a national, state, or county committee of a political party~~, and county executive committees of a political party, *including any subordinate committee of a national, state, or county executive committee of a political party*, which contributions, *including in-kind contributions*, in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

~~(b) Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a). Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.~~

~~(4)(3)(a)~~ Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(5)(4) 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.

(6)(5) A person may not make any contribution through or in the name of another, directly or indirectly, in any election. Candidates, political committees, and political parties may not solicit contributions from or make contributions to any religious, charitable, civic, or other causes or organizations established primarily for the public good. However, it is not a violation of this subsection for a candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(7)(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(8)(7)(a) Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1), subsection (2), or subsection (6) (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (4) (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 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 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), subsection (2), or subsection (6), or any combination thereof, (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 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 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.

(9)(8) Except when otherwise provided in subsection (8) (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.

(10)(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 50. For the purpose of incorporating the amendment to section 106.08, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 106.19, Florida Statutes, is reenacted to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 51. Section 106.087, Florida Statutes, is amended to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, ~~political committees, and committees of continuous existence.~~—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida  
County of . . .

Before me, an officer authorized to administer oaths, personally appeared . . .(name). . ., to me well known, who, being sworn, says that he or she is the . . .(title). . . of the . . .(name of party). . . .(state or specified county). . . executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(3)(2), Florida Statutes.

. . .(Signature of committee officer). . .  
. . .(Address). . .

Sworn to and subscribed before me this . . . day of . . ., . . .(year). . ., at . . . County, Florida.

. . .(Signature and title of officer administering oath). . .

(2)(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(3)(e) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.



(4)(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

~~(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.~~

~~(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.~~

Section 52. Subsection (6) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(6)(a) The national, state, and county executive committees of a political party, *including any subordinate committee of a national, state, or county executive committee of a political party*, may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(3)(2), ~~and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.~~

(b) A violation of the contribution limits contained in s. 106.08(3)(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(3)(2) shall be assessed against any executive committee found in violation thereof.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 106.021, F.S.; eliminating a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates; amending s. 106.08, F.S.; providing limits on contributions to a political party; revising a provision relating to restrictions on contributions to a candidate by a political party; providing penalties; reenacting s. 106.19(1)(a), F.S., relating to penalties applicable to acceptance of contributions in excess of the limits provided by law, to incorporate the amendment to s. 106.08, F.S., in a reference thereto; amending s. 106.087, F.S.; eliminating a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official; amending s. 106.29, F.S.; requiring subordinate and executive committees of a political party to adhere to contribution limits for political parties; providing penalties;

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

Session Vote Sequence: 153

Yeas—46

|                     |            |            |          |
|---------------------|------------|------------|----------|
| Ausley              | Gottlieb   | Lerner     | Seiler   |
| Bendross-Mindingall | Greenstein | Machek     | Siplin   |
| Betancourt          | Harper     | McGriff    | Slosberg |
| Brutus              | Henriquez  | Meadows    | Smith    |
| Bucher              | Heyman     | Miller     | Sobel    |
| Bullard             | Holloway   | Murman     | Stansel  |
| Carassas            | Jennings   | Peterman   | Weissman |
| Cusack              | Joyner     | Rich       | Wiles    |
| Fields              | Justice    | Richardson | Wilson   |
| Frankel             | Kendrick   | Ritter     | Wishner  |
| Gannon              | Kosmas     | Romeo      |          |
| Gelber              | Lee        | Ryan       |          |

Nays—65

|           |             |             |           |
|-----------|-------------|-------------|-----------|
| The Chair | Brown       | Green       | Maygarden |
| Allen     | Brummer     | Haridopolos | Mealor    |
| Andrews   | Byrd        | Harrington  | Melvin    |
| Arza      | Cantens     | Hart        | Needelman |
| Attkisson | Clarke      | Hogan       | Negron    |
| Atwater   | Davis       | Johnson     | Paul      |
| Baker     | Detert      | Jordan      | Prieguez  |
| Ball      | Diaz-Balart | Kallinger   | Ross      |
| Barreiro  | Dockery     | Kilmer      | Rubio     |
| Baxley    | Farkas      | Kottkamp    | Russell   |
| Bean      | Fasano      | Kravitz     | Simmons   |
| Bennett   | Fiorentino  | Kyle        | Spratt    |
| Bense     | Flanagan    | Littlefield | Wallace   |
| Benson    | Garcia      | Lynn        | Waters    |
| Berfield  | Gardiner    | Mack        |           |
| Bilirakis | Gibson      | Mahon       |           |
| Bowen     | Goodlette   | Mayfield    |           |

Votes after roll call:

Yeas to Nays—Miller

On motion by Rep. Smith, further consideration of **CS/HB 1925**, with pending amendment, was temporarily postponed under Rule 11.10.

**Motion**

On motion by Rep. Byrd, the rules were waived, and the privilege of the floor was granted to Dr. Frederick S. Humphries, President of Florida A&M University.

On motion by Rep. Byrd, the rules were waived and—

**Resolutions**

**HR 9069**—A resolution honoring Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University.

WHEREAS, Frederick Stephen Humphries was born in Apalachicola, Florida, in 1935 to parents who inspired in him and his three siblings a diligence in carrying out their responsibilities and a drive to achieve excellence in education, and

WHEREAS, one of nine graduates of his high school class of 1953, Dr. Humphries credits the example of his high school mathematics and science teacher with instilling in him the importance of “excellence with caring,” a concept that has exemplified his leadership style during his tenure as the eighth president of Florida A & M University (FAMU) and indeed throughout his career, and

WHEREAS, after earning a bachelor of science degree, magna cum laude, in chemistry from FAMU and a doctoral degree in physical chemistry from the University of Pittsburgh, Dr. Humphries demonstrated early in his career that his efficient and highly astute management skills destined that he become an outstanding leader in higher education, and

WHEREAS, in addition to his commitment to teaching, research, and the demanding administrative responsibilities of his distinguished career, Dr. Humphries has become totally involved in the life of the communities in which he has served and has made significant contributions to both education and society in general through his membership and leadership roles in numerous local, state, and national boards, committees, and commissions, and limited space precludes a listing of the honors and awards which have recognized the invaluable contributions of this outstanding leader, and

WHEREAS, throughout his career, Dr. Frederick S. Humphries has amassed a list of incredible achievements, though certainly none more appreciated than the remarkable work he has done at Florida Agricultural and Mechanical University, which he has established as one of America’s premier institutions of higher learning, the nation’s leading producer of African Americans with baccalaureate degrees, the leader in the recruitment of National Achievement Scholars, and one of

the fastest growing universities in the country, and to which has been added, through his tenacity and determination, the new College of Law with an anticipated opening in the fall of 2002, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to honor Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University, upon his impending retirement on June 30, 2001, and to acknowledge and express its sincerest gratitude for the remarkable accomplishments of his impressive career.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr. Frederick S. Humphries as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Richardson, the resolution was adopted.

On motion by Rep. Richardson, the board was opened [Session Vote Sequence: 154] and the following Members were recorded as cosponsors of the resolution, along with Reps. Richardson, Kendrick, Meadows, Ausley, Bendross-Mindingall, Cusack, Joyner, Smith, Peterman, Siplin, Holloway, Bullard, Lee, Brutus, and Jennings: Reps. Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Baker, Ball, Barreiro, Baxley, Bean, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Bucher, Byrd, Cantens, Carassas, Clarke, Crow, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrington, Hart, Henriquez, Heyman, Hogan, Johnson, Jordan, Justice, Kallinger, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lerner, Littlefield, Lynn, Macheck, Mack, Mahon, Mayfield, Maygarden, McGriff, Mealor, Melvin, Miller, Murman, Needelman, Negron, Paul, Prieguez, Rich, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Slosberg, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, Wilson, and Wishner.

**Continuation of Bill Subject to Special Rule**

On motion by Rep. Goodlette—

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s.

101.045, F.S.; requiring verification of an elector’s eligibility if the elector’s name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Ryan to adopt Amendment 4.

The question recurred on the adoption of **Amendment 4**, which failed of adoption. The vote was:

Session Vote Sequence: 155

Yeas—42

|                     |            |            |          |
|---------------------|------------|------------|----------|
| Ausley              | Greenstein | Lerner     | Siplin   |
| Bendross-Mindingall | Harper     | Macheck    | Slosberg |
| Betancourt          | Henriquez  | McGriff    | Smith    |
| Bucher              | Heyman     | Meadows    | Sobel    |
| Bullard             | Holloway   | Peterman   | Stansel  |
| Cusack              | Jennings   | Rich       | Weissman |
| Fields              | Joyner     | Richardson | Wiles    |
| Frankel             | Justice    | Ritter     | Wilson   |
| Gannon              | Kendrick   | Romeo      | Wishner  |
| Gelber              | Kosmas     | Ryan       |          |
| Gottlieb            | Lee        | Seiler     |          |

Nays—75

|            |                     |             |            |
|------------|---------------------|-------------|------------|
| The Chair  | Brown               | Goodlette   | Maygarden  |
| Alexander  | Brummer             | Green       | Mealor     |
| Allen      | Byrd                | Haridopolos | Melvin     |
| Andrews    | Cantens             | Harrington  | Miller     |
| Argenziano | Carassas            | Hart        | Murman     |
| Arza       | Clarke              | Hogan       | Needelman  |
| Attkisson  | Crow                | Johnson     | Negron     |
| Atwater    | Davis               | Jordan      | Paul       |
| Baker      | Detert              | Kallinger   | Prieguez   |
| Ball       | Diaz de la Portilla | Kilmer      | Ross       |
| Barreiro   | Diaz-Balart         | Kottkamp    | Rubio      |
| Baxley     | Dockery             | Kravitz     | Russell    |
| Bean       | Farkas              | Kyle        | Simmons    |
| Bennett    | Fasano              | Lacasa      | Sorensen   |
| Bense      | Fiorentino          | Littlefield | Spratt     |
| Benson     | Flanagan            | Lynn        | Trovillion |
| Berfield   | Garcia              | Mack        | Wallace    |
| Bilirakis  | Gardiner            | Mahon       | Waters     |
| Bowen      | Gibson              | Mayfield    |            |

Votes after roll call:

Yeas—Brutus

The question recurred on the adoption of **Amendment 2**.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 245775)

**Substitute Amendment 2 (with title amendment)**—On page 61, between lines 6 and 7

and insert in lieu thereof:

Section 51. Section 98.255, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 98.255, F.S., for present text.)*

98.255 *Voter-education programs.*—

*(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:*

- (a) Voter registration;*
- (b) Balloting procedures, absentee and polling place;*
- (c) Voter rights and responsibilities;*
- (d) Distribution of sample ballots; and*
- (e) Public service announcements.*

*(2) Each supervisor of elections shall implement the minimum voter-education standards and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.*

*(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.*

*(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.*

*(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a*

*basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.*

Section 52. Section 102.014, Florida Statutes, is created to read:

102.014 *Pollworker recruitment and training.*—

*(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.*

*(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.*

*(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.*

*(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:*

*(a) Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;*

*(b) Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.*

*(c) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.*

*(d) No inspector shall work at the polls unless he or she has had a minimum of three hours of training.*

*(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:*

*(a) Regulations governing solicitation by individuals and groups at the polling place;*

*(b) Procedures to be followed with respect to voters whose names are not on the precinct register;*

*(c) Proper operation of the voting system;*

*(d) Ballot handling procedures;*

*(e) Procedures governing spoiled ballots;*

*(f) Procedures to be followed after the polls close;*

*(g) Rights of voters at the polls;*

*(h) Procedures for handling emergency situations;*

- (i) Procedures for dealing with irate voters;
- (j) The handling and processing of provisional ballots; and
- (k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 53. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 54. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

And the title is amended as follows:

On page 5, line 2

insert: amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training;

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

The question recurred on the adoption of **Amendment 3**, which was adopted.

On motion by Rep. Goodlette, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 144173)

**Amendment 5 (with title amendment)**—On page 57, line 9 through Page 61, line 4 remove from the bill: all of said lines

and insert in lieu thereof: *candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups.* The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so *and to protect the effective competition by a candidate who uses public funding.*

Section 47. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate *may* ~~shall~~ not be an unopposed candidate as defined in s. 106.011(15) and *must* ~~shall~~:

- (1) Agree to abide by the expenditure limits provided in s. 106.34.
- (2)(a) Raise contributions as follows:
  - 1.(a) One hundred fifty thousand dollars for a candidate for Governor.
  - 2.(b) One hundred thousand dollars for a candidate for Cabinet office.

(b) The following may not be used to meet the threshold amounts in paragraph (a):

- 1. Loans or contributions from the candidate's personal funds;
- 2. Contributions from national, state, and county executive committees of a political party; or
- 3. Contributions from individuals who at the time of contributing are not state residents. For purposes of this subparagraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$25,000 in the aggregate, ~~which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).~~

(4) Submit to a postelection audit of the campaign account by the division.

Section 48. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

- 1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.
- 2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. *Any contribution that is a loan, is an in-kind contribution, is received from a political committee or committee of continuous existence, or is received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.* Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

And the title is amended as follows:

On page 4, lines 20-31 remove from the title of the bill: all of said lines

and insert in lieu thereof: election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions;

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

Rep. Smith moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 156

Yeas—45

|                     |            |            |          |
|---------------------|------------|------------|----------|
| Ausley              | Gottlieb   | Lerner     | Siplin   |
| Bendross-Mindingall | Greenstein | Machek     | Slosberg |
| Betancourt          | Harper     | McGriff    | Smith    |
| Brown               | Henriquez  | Meadows    | Sobel    |
| Brutus              | Heyman     | Peterman   | Stansel  |
| Bucher              | Holloway   | Rich       | Weissman |
| Bullard             | Jennings   | Richardson | Wiles    |
| Cusack              | Joyner     | Ritter     | Wilson   |
| Fields              | Justice    | Romeo      | Wishner  |
| Frankel             | Kendrick   | Ross       |          |
| Gannon              | Kosmas     | Ryan       |          |
| Gelber              | Lee        | Seiler     |          |

Nays—71

|            |                     |             |            |
|------------|---------------------|-------------|------------|
| The Chair  | Brummer             | Green       | Maygarden  |
| Alexander  | Byrd                | Haridopolos | Mealor     |
| Allen      | Cantens             | Harrington  | Melvin     |
| Andrews    | Carassas            | Hart        | Miller     |
| Argenziano | Clarke              | Hogan       | Murman     |
| Arza       | Crow                | Johnson     | Needelman  |
| Attkisson  | Davis               | Jordan      | Negron     |
| Baker      | Detert              | Kallinger   | Paul       |
| Ball       | Diaz de la Portilla | Kilmer      | Prieguez   |
| Barreiro   | Diaz-Balart         | Kottkamp    | Rubio      |
| Baxley     | Farkas              | Kravitz     | Russell    |
| Bean       | Fasano              | Kyle        | Simmons    |
| Bennett    | Florentino          | Lacasa      | Sorensen   |
| Bense      | Flanagan            | Littlefield | Spratt     |
| Benson     | Garcia              | Lynn        | Trovillion |
| Berfield   | Gardiner            | Mack        | Wallace    |
| Bilirakis  | Gibson              | Mahon       | Waters     |
| Bowen      | Goodlette           | Mayfield    |            |

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**Bill Subject to Special Rule**

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of “voting equipment,”

applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was read the second time by title.

**REPRESENTATIVE BALL IN THE CHAIR**

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 130935)

**Amendment 1 (with title amendment)**—On page 18, lines 18-22 remove from the bill: all of said lines

and insert in lieu thereof:

(4) *The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. Such rules shall set forth, a median price range which the cost of voting systems shall not exceed for the purpose of procuring loans under this section, and a priority system for loans based on need. The department shall consider the cost of similar voting systems within the state in determining the median price range. The priority system shall give special consideration to the following:*

And the title is amended as follows:

On page 1, line 29  
remove from the title of the bill: all of said line

and insert in lieu thereof: providing the terms and conditions of such loans; providing for

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

Representative(s) Smith offered the following:

(Amendment Bar Code: 781917)

**Amendment 2 (with title amendment)**—On page 18, line 5 through page 40, line 31,  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 16. Effective July 1, 2001, paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 17. Effective July 1, 2001, paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611.* A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 18. Effective July 1, 2001, section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(4) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of *such public* the preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the *public preelection test* ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the *public* preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) *For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor*

*shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.*

(4)(a)1. *For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.*

2. *If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.*

3. *If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.*

(b) *At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.*

(c) *The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each machine tested is satisfactory or unsatisfactory.*

(d) *Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.*

(e) *Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.*

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 19. Subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

~~(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.~~

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.~~

~~(3)(b) The results of If ballots are tabulated at precinct regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.~~

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 20. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit, upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of the voting system and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before  
Marking Ballot and Completing Voter's Certificate.

#### VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

... (Voter's Signature) ...  
... (Last four digits of voter's social security number) ...  
Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this ... day of ....., ... (year) .., by ... (name of person making statement) ... My commission expires this ... day of ....., ... (year) ...

... (Signature of Official) ...  
... (Print, Type, or Stamp Name) ...  
... (State or Country of Commission) ...

Personally Known ..... OR Produced Identification .....

Type of Identification Produced .....  
OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

... (Signature of Witness) ...  
... (Printed Name of Witness) ...  
... (Voter I.D. Number of Witness and County of Registration) ...  
... (Address) ...  
... (City/State) ...

Section 22. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, ~~including voting machines where used~~, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 23. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and *the voting devices of the voting system used in the county machines* are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 24. Subsections (4), (7), (8), and (9) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) *The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.*

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

(7)(8) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (8) (9) from among persons who have not received the training required by this section.

(8)(9) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

Section 25. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.012(8).

Section 26. Subsections (3) and (4) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the



canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

Section 27. Subsection (3) of section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(3) Before canvassing the returns of the election, the canvassing board shall:

(a) ~~When paper ballots are used, examine the tabulation of the paper ballots cast.~~

(b) ~~When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.~~

(c) ~~When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

Section 28. Effective July 1, 2001, subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

(9) ~~The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....  
....(Signature of Voter).... . . .(Initials of Issuing Official). . .

Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....  
... (Initials of Issuing Official) . . .

Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

.... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote;  
For President

....(Name of Candidate)....  
....(Name of Candidate)....  
or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.  
....(Name of Delegate).... . . .(Name of Candidate). . .

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems ~~machine~~; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system or component ~~machine or key~~ thereof ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment ~~machine~~ with the intention of interfering with the election process or the results thereof ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in said election, said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; ~~provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.~~

Section 31. *Effective July 1, 2001, sections 101.141, 101.181, 101.191, and 101.5609, Florida Statutes, are repealed.*

Section 32. *Sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.*

Section 33. *The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.*

Section 34. (1) *There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2001-2002, the amount of \$29,895,000 to carry out the provisions of this act. The Division shall provide to the supervisor of elections office in each county required to acquire a new voting system by this act, funds to*

implement the provisions of this act. Each county shall receive \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election. It is the intent of the Legislature to fully fund the acquisition of the voting systems, including voting systems for additional precincts created because of reapportionment. To that end, the Division of Elections, Department of State, shall monitor the acquisition of voting systems by the counties, and if the amount appropriated proves insufficient to fully fund the acquisition, the Division shall recommend a supplemental appropriation in an amount sufficient to fully fund such acquisition.

(2) There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2002-2003, the amount of \$14,212,500, to carry out the provisions of this subsection. The Division shall distribute to each county that already had a voting system in compliance with the requirements of this act on the date it became a law, the amount of \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election.

(3) This section shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 26, through page 3, line 20, remove from the title of the bill: all of said lines

and insert in lieu thereof: electromechanical voting systems; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing for funding for implementation of the act; providing effective dates.

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

#### THE SPEAKER IN THE CHAIR

Representative(s) Smith offered the following:

(Amendment Bar Code: 173025)

**Amendment 3 (with title amendment)**—On page 18, line 5 through page 40, line 31, remove from the bill: all of said lines

and insert in lieu thereof:

Section 16. Effective July 1, 2001, paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 17. Effective July 1, 2001, paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611.* A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 18. Effective July 1, 2001, section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(4) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of such public ~~the~~ preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the public preelection test ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be

allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each machine tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 19. Subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

~~(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.~~

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot~~

or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.

(3)(b) The results of ~~if~~ ballots are tabulated at ~~precinct~~ regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 20. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit,; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of the voting system and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.

5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

. . . (Voter's Signature) . . .
. . . (Last four digits of voter's social security number) . . .

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , . . . (year) . . . , by . . . (name of person making statement) . . . My commission expires this . . . day of . . . , . . . (year) . . .
. . . (Signature of Official) . . .
. . . (Print, Type, or Stamp Name) . . .
. . . (State or Country of Commission) . . .

Personally Known . . . OR Produced Identification . . .

Type of Identification Produced . . .
OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

. . . (Signature of Witness) . . .
. . . (Printed Name of Witness) . . .
. . . (Voter I.D. Number of Witness and County of Registration) . . .
. . . (Address) . . .
. . . (City/State) . . .

Section 22. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 23. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and *the voting devices of the voting system used in the county machines* are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 24. Subsections (4), (7), (8), and (9) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) *The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.*

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

~~(7)(8)~~ The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (8) (9) from among persons who have not received the training required by this section.

~~(8)(9)~~ In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

Section 25. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.012(8).

Section 26. Subsections (3) and (4) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

Section 27. Subsection (3) of section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(3) Before canvassing the returns of the election, the canvassing board shall:

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.~~

~~(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

Section 28. Effective July 1, 2001, subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...  
... (Signature of Voter) ... . . (Initials of Issuing Official) . . .  
Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...  
... (Initials of Issuing Official) . . .  
Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote;

For President  
... (Name of Candidate) ...  
... (Name of Candidate) ...

or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

... (Name of Delegate) ... . . (Name of Candidate) . . .

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems machine; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system or component machine or key thereof commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in said election, said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.

Section 31. Effective July 1, 2001, sections 101.141, 101.181, 101.191, and 101.5609, Florida Statutes, are repealed.

Section 32. Sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Section 33. The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting

system has made toward the implementation of such system. This section shall take effect July 1, 2001.

Section 34. (1) There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2001-2002, the amount of \$29,895,000 to carry out the provisions of this act. The Division shall provide to the supervisor of elections office in each county required to acquire a new voting system by this act, funds to implement the provisions of this act. Each county shall receive \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election. This section shall take effect July 1, 2001. It is the intent of the Legislature to fully fund the acquisition of the voting systems, including voting systems for additional precincts created because of reapportionment. To that end, the Division of Elections, Department of State, shall monitor the acquisition of voting systems by the counties, and if the amount appropriated proves insufficient to fully fund the acquisition, the Division shall recommend a supplemental appropriation in an amount sufficient to fully fund such acquisition.

And the title is amended as follows:

On page 1, line 26, through page 3, line 20, remove from the title of the bill: all of said lines

and insert in lieu thereof: electromechanical voting systems; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing for funding for implementation of the act; providing effective dates.

Rep. Smith moved the adoption of the amendment. Subsequently, Amendment 3 was withdrawn.

The question recurred on the adoption of Amendment 2.

On motion by Rep. Frankel, further consideration of CS/HB 1921, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Frankel, the rules were waived and the House moved to—

Local Bills at a Time Certain

On motion by Rep. Goodlette, the rules were waived and the Local Bill procedure was adopted.

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 157].

**HB 115**—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

—was read the second time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**CS/HB 479**—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

—was read the second time by title. On motion by Rep. Kendrick, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| The Chair  | Baker               | Berfield   | Byrd                |
| Alexander  | Ball                | Betancourt | Cantens             |
| Allen      | Barreiro            | Bilirakis  | Carassas            |
| Andrews    | Baxley              | Bowen      | Clarke              |
| Argenziano | Bean                | Brown      | Cusack              |
| Arza       | Bendross-Mindingall | Brummer    | Davis               |
| Attkisson  | Bennett             | Brutus     | Detert              |
| Atwater    | Bense               | Bucher     | Diaz de la Portilla |
| Ausley     | Benson              | Bullard    | Diaz-Balart         |

|             |             |            |            |
|-------------|-------------|------------|------------|
| Dockery     | Henriquez   | Machek     | Ross       |
| Farkas      | Heyman      | Mack       | Rubio      |
| Fasano      | Hogan       | Mahon      | Russell    |
| Fields      | Holloway    | Mayfield   | Ryan       |
| Fiorentino  | Jennings    | Maygarden  | Seiler     |
| Flanagan    | Johnson     | McGriff    | Simmons    |
| Frankel     | Jordan      | Meadows    | Siplin     |
| Gannon      | Joyner      | Mealor     | Slosberg   |
| Garcia      | Justice     | Melvin     | Smith      |
| Gardiner    | Kallinger   | Miller     | Sobel      |
| Gelber      | Kendrick    | Murman     | Sorensen   |
| Gibson      | Kilmer      | Needelman  | Spratt     |
| Goodlette   | Kosmas      | Negron     | Stansel    |
| Gottlieb    | Kottkamp    | Paul       | Trovillion |
| Green       | Kravitz     | Peterman   | Wallace    |
| Greenstein  | Kyle        | Prieguez   | Waters     |
| Haridopolos | Lee         | Rich       | Weissman   |
| Harper      | Lerner      | Richardson | Wiles      |
| Harrington  | Littlefield | Ritter     | Wilson     |
| Hart        | Lynn        | Romeo      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 585**—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

—was read the second time by title. On motion by Rep. Byrd, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Byrd                | Harrington  | McGriff    |
| Alexander           | Cantens             | Hart        | Meadows    |
| Allen               | Carassas            | Henriquez   | Mealor     |
| Andrews             | Clarke              | Heyman      | Melvin     |
| Argenziano          | Cusack              | Hogan       | Miller     |
| Arza                | Davis               | Holloway    | Murman     |
| Attkisson           | Detert              | Jennings    | Needelman  |
| Atwater             | Diaz de la Portilla | Johnson     | Negron     |
| Ausley              | Diaz-Balart         | Jordan      | Paul       |
| Baker               | Dockery             | Joyner      | Peterman   |
| Ball                | Farkas              | Justice     | Prieguez   |
| Barreiro            | Fasano              | Kallinger   | Rich       |
| Baxley              | Fields              | Kendrick    | Richardson |
| Bean                | Fiorentino          | Kilmer      | Ritter     |
| Bendross-Mindingall | Flanagan            | Kosmas      | Romeo      |
| Bennett             | Frankel             | Kottkamp    | Ross       |
| Bense               | Gannon              | Kravitz     | Rubio      |
| Benson              | Garcia              | Kyle        | Russell    |
| Berfield            | Gardiner            | Lee         | Ryan       |
| Betancourt          | Gelber              | Lerner      | Seiler     |
| Bilirakis           | Gibson              | Littlefield | Simmons    |
| Bowen               | Goodlette           | Lynn        | Siplin     |
| Brown               | Gottlieb            | Machek      | Slosberg   |
| Brummer             | Green               | Mack        | Smith      |
| Brutus              | Greenstein          | Mahon       | Sobel      |
| Bucher              | Haridopolos         | Mayfield    | Sorensen   |
| Bullard             | Harper              | Maygarden   | Spratt     |

Stansel           Wallace           Weissman       Wilson  
Trovillion       Waters           Wiles           Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 629**—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

—was read the second time by title. On motion by Rep. Argenziano, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 763**—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

—was read the second time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 775**—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

—was read the second time by title. On motion by Rep. Goodlette, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |          |                     |
|------------|---------------------|----------|---------------------|
| The Chair  | Barreiro            | Brown    | Detert              |
| Alexander  | Baxley              | Brummer  | Diaz de la Portilla |
| Allen      | Bean                | Brutus   | Diaz-Balart         |
| Andrews    | Bendross-Mindingall | Bucher   | Dockery             |
| Argenziano | Bennett             | Bullard  | Farkas              |
| Arza       | Bense               | Byrd     | Fasano              |
| Attkisson  | Benson              | Cantens  | Fields              |
| Atwater    | Berfield            | Carassas | Fiorentino          |
| Ausley     | Betancourt          | Clarke   | Flanagan            |
| Baker      | Bilirakis           | Cusack   | Frankel             |
| Ball       | Bowen               | Davis    | Gannon              |



|             |             |            |            |           |             |            |            |
|-------------|-------------|------------|------------|-----------|-------------|------------|------------|
| Garcia      | Jordan      | Maygarden  | Russell    | Henriquez | Kyle        | Murman     | Simmons    |
| Gardiner    | Joyner      | McGriff    | Ryan       | Heyman    | Lee         | Needelman  | Siplin     |
| Gelber      | Justice     | Meadows    | Seiler     | Hogan     | Lerner      | Negron     | Slosberg   |
| Gibson      | Kallinger   | Mealor     | Simmons    | Holloway  | Littlefield | Paul       | Smith      |
| Goodlette   | Kendrick    | Melvin     | Siplin     | Jennings  | Lynn        | Peterman   | Sobel      |
| Gottlieb    | Kilmer      | Miller     | Slosberg   | Johnson   | Machek      | Prieguez   | Sorensen   |
| Green       | Kosmas      | Murman     | Smith      | Jordan    | Mack        | Rich       | Spratt     |
| Greenstein  | Kottkamp    | Needelman  | Sobel      | Joyner    | Mahon       | Richardson | Stansel    |
| Haridopolos | Kravitz     | Negron     | Sorensen   | Justice   | Mayfield    | Ritter     | Trovillion |
| Harper      | Kyle        | Paul       | Spratt     | Kallinger | Maygarden   | Romeo      | Wallace    |
| Harrington  | Lee         | Peterman   | Stansel    | Kendrick  | McGriff     | Ross       | Waters     |
| Hart        | Lerner      | Prieguez   | Trovillion | Kilmer    | Meadows     | Rubio      | Weissman   |
| Henriquez   | Littlefield | Rich       | Wallace    | Kosmas    | Mealor      | Russell    | Wiles      |
| Heyman      | Lynn        | Richardson | Waters     | Kottkamp  | Melvin      | Ryan       | Wilson     |
| Hogan       | Machek      | Ritter     | Weissman   | Kravitz   | Miller      | Seiler     | Wishner    |
| Holloway    | Mack        | Romeo      | Wiles      |           |             |            |            |
| Jennings    | Mahon       | Ross       | Wilson     |           |             |            |            |
| Johnson     | Mayfield    | Rubio      | Wishner    |           |             |            |            |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 777**—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Rep. Hart, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |                     |             |
|------------|---------------------|---------------------|-------------|
| The Chair  | Bendross-Mindingall | Cantens             | Frankel     |
| Alexander  | Bennett             | Carassas            | Gannon      |
| Allen      | Bense               | Clarke              | Garcia      |
| Andrews    | Benson              | Cusack              | Gardiner    |
| Argenziano | Berfield            | Davis               | Gelber      |
| Arza       | Betancourt          | Detert              | Gibson      |
| Attkisson  | Bilirakis           | Diaz de la Portilla | Goodlette   |
| Atwater    | Bowen               | Diaz-Balart         | Gottlieb    |
| Ausley     | Brown               | Dockery             | Green       |
| Baker      | Brummer             | Farkas              | Greenstein  |
| Ball       | Brutus              | Fasano              | Haridopolos |
| Barreiro   | Bucher              | Fields              | Harper      |
| Baxley     | Bullard             | Fiorentino          | Harrington  |
| Bean       | Byrd                | Flanagan            | Hart        |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 799**—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and Hendry County, codifying the District's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 845**—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws

of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 847**—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 510633)

**Amendment 1**—On page 9, lines 1 - 5, remove from the bill: all of said lines

and insert in lieu thereof: *accounts, and for an annual financial audit by an independent certified public accountant licensed pursuant to chapter 473, Florida Statutes. A copy of the audit report shall be filed with the Franklin County Commission within 120 days after the end of each fiscal year.*

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

On motion by Rep. Kendrick, the rules were waived and HB 847, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 849**—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 151811)

**Amendment 1**—On page 1, between lines 23 and 24, of the bill insert:

Section 2. Subsection (9) of section 2 of chapter 80-585, Laws of Florida, as amended by 89-424, Laws of Florida, is amended to read:

(9) To establish uniform standards which shall be equal to or stricter than those provided in Chapter 401, Florida Statutes, insofar as it relates to Emergency Medical Services and the Department of Health and Rehabilitative Services EMS Rules, Chapter 10D-66, as they exist and may hereafter be amended and to provide for the enforcement of same. The authority has the power to establish levels of service for all emergency medical services that must be met by EMS providers; provided that levels of service on or after the effective date of this act may not be lower than levels of service as of January 1, 1989, without the consent of the affected EMS providers; and provided further that an EMS provider may not be required to increase its level of service to a level of service established by the authority that results in the authority reducing the payment of reimbursable costs to EMS providers because

the total reimbursable costs would exceed the 1.5 millage authorized by this act.

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

On motion by Rep. Crow, the rules were waived and HB 849, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 851**—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |            |          |
|------------|---------------------|------------|----------|
| The Chair  | Ausley              | Bense      | Brutus   |
| Alexander  | Baker               | Benson     | Bucher   |
| Allen      | Ball                | Berfield   | Bullard  |
| Andrews    | Barreiro            | Betancourt | Byrd     |
| Argenziano | Baxley              | Bilirakis  | Cantens  |
| Arza       | Bean                | Bowen      | Carassas |
| Attkisson  | Bendross-Mindingall | Brown      | Clarke   |
| Atwater    | Bennett             | Brummer    | Cusack   |

|                     |            |             |            |
|---------------------|------------|-------------|------------|
| Davis               | Harper     | Littlefield | Romeo      |
| Detert              | Harrington | Lynn        | Ross       |
| Diaz de la Portilla | Hart       | Machek      | Rubio      |
| Diaz-Balart         | Henriquez  | Mack        | Russell    |
| Dockery             | Heyman     | Mahon       | Ryan       |
| Farkas              | Hogan      | Mayfield    | Seiler     |
| Fasano              | Holloway   | Maygarden   | Simmons    |
| Fields              | Jennings   | McGriff     | Siplin     |
| Fiorentino          | Johnson    | Meadows     | Slosberg   |
| Flanagan            | Jordan     | Mealor      | Smith      |
| Frankel             | Joyner     | Melvin      | Sobel      |
| Gannon              | Justice    | Miller      | Sorensen   |
| Garcia              | Kallinger  | Murman      | Spratt     |
| Gardiner            | Kendrick   | Needelman   | Stansel    |
| Gelber              | Kilmer     | Negron      | Trovillion |
| Gibson              | Kosmas     | Paul        | Wallace    |
| Goodlette           | Kottkamp   | Peterman    | Waters     |
| Gottlieb            | Kravitz    | Prieguez    | Weissman   |
| Green               | Kyle       | Rich        | Wiles      |
| Greenstein          | Lee        | Richardson  | Wilson     |
| Haridopolos         | Lerner     | Ritter      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 855**—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

—was read the second time by title. On motion by Rep. Argenziano, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Byrd                | Harrington  | McGriff    |
| Alexander           | Cantens             | Hart        | Meadows    |
| Allen               | Carassas            | Henriquez   | Mealor     |
| Andrews             | Clarke              | Heyman      | Melvin     |
| Argenziano          | Cusack              | Hogan       | Miller     |
| Arza                | Davis               | Holloway    | Murman     |
| Attkisson           | Detert              | Jennings    | Needelman  |
| Atwater             | Diaz de la Portilla | Johnson     | Negron     |
| Ausley              | Diaz-Balart         | Jordan      | Paul       |
| Baker               | Dockery             | Joyner      | Peterman   |
| Ball                | Farkas              | Justice     | Prieguez   |
| Barreiro            | Fasano              | Kallinger   | Rich       |
| Baxley              | Fields              | Kendrick    | Richardson |
| Bean                | Fiorentino          | Kilmer      | Ritter     |
| Bendross-Mindingall | Flanagan            | Kosmas      | Romeo      |
| Bennett             | Frankel             | Kottkamp    | Ross       |
| Bense               | Gannon              | Kravitz     | Rubio      |
| Benson              | Garcia              | Kyle        | Russell    |
| Berfield            | Gardiner            | Lee         | Ryan       |
| Betancourt          | Gelber              | Lerner      | Seiler     |
| Bilirakis           | Gibson              | Littlefield | Simmons    |
| Bowen               | Goodlette           | Lynn        | Siplin     |
| Brown               | Gottlieb            | Machek      | Slosberg   |
| Brummer             | Green               | Mack        | Smith      |
| Brutus              | Greenstein          | Mahon       | Sobel      |
| Bucher              | Haridopolos         | Mayfield    | Sorensen   |
| Bullard             | Harper              | Maygarden   | Spratt     |

Stansel Wallace Weissman Wilson  
 Trovillion Waters Wiles Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 857**—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 545131)

**Amendment 1**—On page 9, lines 11 - 14, remove from the bill: all of said lines

and insert in lieu thereof:

Section 6. *Chapter 8885, Laws of Florida (1921), chapter 9564, Laws of Florida (1923), chapter 10615, Laws of Florida (1925), chapter 30199, Laws of Florida (1955), and chapter 89-466, Laws of Florida, are repealed 10 days after the effective date of this act.*

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

The Committee on Natural Resources & Environmental Protection offered the following:

(Amendment Bar Code: 390009)

**Amendment 2**—On page 4, Line 21 after the period

insert:

*This section does not exempt the district from complying with applicable provisions of Chapters 373 or 403, Florida Statutes.*

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

On motion by Rep. Harper, the rules were waived and HB 857, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |            |                     |             |
|---------------------|------------|---------------------|-------------|
| The Chair           | Bense      | Davis               | Goodlette   |
| Alexander           | Benson     | Detert              | Gottlieb    |
| Allen               | Berfield   | Diaz de la Portilla | Green       |
| Andrews             | Betancourt | Diaz-Balart         | Greenstein  |
| Argenziano          | Bilirakis  | Dockery             | Haridopolos |
| Arza                | Bowen      | Farkas              | Harper      |
| Attkisson           | Brown      | Fasano              | Harrington  |
| Atwater             | Brummer    | Fields              | Hart        |
| Ausley              | Brutus     | Fiorentino          | Henriquez   |
| Baker               | Bucher     | Flanagan            | Heyman      |
| Ball                | Bullard    | Frankel             | Hogan       |
| Barreiro            | Byrd       | Gannon              | Holloway    |
| Baxley              | Cantens    | Garcia              | Jennings    |
| Bean                | Carassas   | Gardiner            | Johnson     |
| Bendross-Mindingall | Clarke     | Gelber              | Jordan      |
| Bennett             | Cusack     | Gibson              | Joyner      |

|             |           |            |            |
|-------------|-----------|------------|------------|
| Justice     | Mack      | Peterman   | Slosberg   |
| Kallinger   | Mahon     | Prieguez   | Smith      |
| Kendrick    | Mayfield  | Rich       | Sobel      |
| Kilmer      | Maygarden | Richardson | Sorensen   |
| Kosmas      | McGriff   | Ritter     | Spratt     |
| Kottkamp    | Meadows   | Romeo      | Stansel    |
| Kravitz     | Mealor    | Ross       | Trovillion |
| Kyle        | Melvin    | Rubio      | Wallace    |
| Lee         | Miller    | Russell    | Waters     |
| Lerner      | Murman    | Ryan       | Weissman   |
| Littlefield | Needelman | Seiler     | Wiles      |
| Lynn        | Negron    | Simmons    | Wilson     |
| Machek      | Paul      | Siplin     | Wishner    |

Nays—None

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

**HB 859**—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Rep. Harper, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 879**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water

Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Rep. Atwater, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 885**—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 887**—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Rep. Melvin, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |             |
|---------------------|---------------------|-------------|-------------|
| The Chair           | Bowen               | Frankel     | Joyner      |
| Alexander           | Brown               | Gannon      | Justice     |
| Allen               | Brummer             | Garcia      | Kallinger   |
| Andrews             | Brutus              | Gardiner    | Kendrick    |
| Argenziano          | Bucher              | Gelber      | Kilmer      |
| Arza                | Bullard             | Gibson      | Kosmas      |
| Attkisson           | Byrd                | Goodlette   | Kottkamp    |
| Atwater             | Cantens             | Gottlieb    | Kravitz     |
| Ausley              | Carassas            | Green       | Kyle        |
| Baker               | Clarke              | Greenstein  | Lee         |
| Ball                | Cusack              | Haridopolos | Lerner      |
| Barreiro            | Davis               | Harper      | Littlefield |
| Baxley              | Detert              | Harrington  | Lynn        |
| Bean                | Diaz de la Portilla | Hart        | Machek      |
| Bendross-Mindingall | Diaz-Balart         | Henriquez   | Mack        |
| Bennett             | Dockery             | Heyman      | Mahon       |
| Bense               | Farkas              | Hogan       | Mayfield    |
| Benson              | Fasano              | Holloway    | Maygarden   |
| Berfield            | Fields              | Jennings    | McGriff     |
| Betancourt          | Fiorentino          | Johnson     | Meadows     |
| Bilirakis           | Flanagan            | Jordan      | Mealor      |

|           |            |          |            |
|-----------|------------|----------|------------|
| Melvin    | Rich       | Seiler   | Stansel    |
| Miller    | Richardson | Simmons  | Trovillion |
| Murman    | Ritter     | Siplin   | Wallace    |
| Needelman | Romeo      | Slosberg | Waters     |
| Negron    | Ross       | Smith    | Weissman   |
| Paul      | Rubio      | Sobel    | Wiles      |
| Peterman  | Russell    | Sorensen | Wilson     |
| Prieguez  | Ryan       | Spratt   | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 897**—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

—was read the second time by title. On motion by Rep. Wiles, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 901**—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings

involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

—was read the second time by title. On motion by Rep. Davis, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 903**—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 154679)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Section 1. Creation of Jacksonville Seaport Authority and Jacksonville Airport Authority.—*

(1) *There are hereby created and established two separate bodies politic and corporate to be known as the Jacksonville Seaport Authority and the Jacksonville Airport Authority respectively (hereinafter referred to singly as an “authority” and collectively as “authorities”), which are created as agencies and political subdivisions of the State of Florida in the nature of counties and not municipalities. These authorities are authorized to exercise their respective jurisdictions, powers, and duties within the territorial limits of the former Duval County, which territorial limits now exist within the City of Jacksonville. The Jacksonville Seaport Authority shall operate, manage, and control the seaport and ancillary facilities located within Duval County. The Jacksonville Airport Authority shall operate, manage, and control all publicly owned airports and ancillary facilities located within Duval County. This authorization for a port authority split shall be reviewed for performance and efficiency after a period of 4 years.*

(2) *The governing body for the Seaport Authority shall consist of seven members, four of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and three of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. The governing body for the Airport Authority shall consist of seven members, four of whom shall be appointed by the Governor of Florida with the confirmation of the Senate, and three of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville. Members shall serve for terms of 4 years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members of either authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on either authority until their respective successors are appointed. A vacancy occurring during a term of an appointed member, on either authority, shall be filled only for the balance of the unexpired term. Any member appointed to an authority for two consecutive full terms shall not be eligible for appointment to that same authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to the authority shall serve in staggered terms to provide continuity of experience to each authority with two gubernatorial appointments and two mayoral appointments being for initial 2-year terms, which shall count as a full term for purposes of term limits herein.*

(3) *Each authority shall elect a chair, vice chair, secretary, and treasurer from its members, and such other officers it deems proper, not necessarily from its members, to perform such duties as each authority may direct. Four members of each authority shall constitute a quorum for such authority, but at least four members of such authority must approve any action to be taken by such authority. Resolutions adopted by the vote of at least four members of an authority shall become effective without further action by such authority. Each member of each authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of each authority. Each authority may meet at such times and places designated by it but shall hold regular meetings as necessary, and generally once a month. Special meetings of an authority may be called upon the call of its chair or any three members of such authority. The members of each authority shall not be entitled to compensation but members and employees of each authority shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.*

(4) *Each authority shall employ and fix the compensation of a managing director who shall manage the affairs of each respective*

*authority under the supervision and control of the authority employing such managing director. Such managing director may be given any title suitable to either such authority. Each authority may employ such engineers, certified public accountants, consultants, and employees as either said authority may require, and fix and pay their compensation. Each authority may use any of the services available to governmental units through the Administration and Finance Department of the City of Jacksonville, but is not required by law to do so. However, the authority shall be required to use the legal services of the City of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area. Such use of city services, including, but not limited to, legal services, shall be on contractual basis and the authorities are authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authorities. The use by each authority of any such services furnished by the city shall not obligate either authority except to the extent it contracts with the city, or otherwise subject either authority to any rules, regulations, or ordinances of said city not otherwise applicable to the authorities under this act and the charter of said city. Each authority may delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this act, subject always to the supervision and control of each authority, and may do any and all things necessary to accomplish the purposes of this act.*

(5) *The provisions of section 286.012, Florida Statutes, requiring any member of each authority present at a meeting to vote unless there is a possible conflict of interest, and the provisions of sections 112.311-112.3175, Florida Statutes, and as the same may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of each authority.*

*Section 2. Definitions.—In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit:*

(1) *The term “bonds” means and embraces bonds, notes, certificates, and other financial obligations issued by either authority for financing or refinancing purposes, and except where otherwise required by the context, notes, and other instruments executed to evidence obligations of either authority for the repayment of borrowed funds.*

(2) *The term “County” means the County of Duval.*

(3) *The term “city” or “City of Jacksonville” means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.*

(4) *The term “federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.*

(5) *Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.*

(6) *The term “project” embraces any one or any combination of 2 or more of the following, to-wit: facilities for the construction, manufacture, repair, or maintenance of boats, ships, and watercraft of all kinds and airplanes, helicopters, and aircraft of all kinds, and other facilities, directly or indirectly related to the promotion and development, of waterborne and airborne commerce, travel, exploration, and researching, and other harbor, port, shipping, and airport facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, landings, ramps, runways, taxiways, warehouses, terminals, refrigerating, and cold storage plants and facilities, tiedown and parking areas and facilities, railroads and air and motor terminals for passengers, freight, exploration, and research, rolling stock, ferries, boats, airplanes, helicopters, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service*

buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. Each authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(7) The term "cost," as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(8) The term "cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by either authority prior to the issuance of revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

**Section 3. Powers.**—Each authority shall have the below specified powers, in addition to other powers otherwise conferred by law; however, those powers that relate to maritime issues are vested in the Jacksonville Seaport Authority; those powers that relate to aviation issues are vested in the Jacksonville Airport Authority; those powers that are neutral in nature are vested in both authorities:

(1) To adopt, use, and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain, and defend in all courts; to exercise the power of eminent domain to acquire property for any authorized purposes, including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the State of Florida; to accept grants, gifts, and donations; and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, the County of Duval, the City of Jacksonville, or with any other public body of the state.

(2) To adopt rules and regulations with reference to all projects and matters under their respective control. All rules and regulations promulgated and all impositions and exactions made by each authority hereof shall be just and reasonable and consistent with public interest and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be a matter of public record and copies thereof shall be dispensed at cost to all applicants therefor.

(3) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair, and operate any project as herein defined.

(4) Subject to the jurisdiction of the United States and the State of Florida, to construct, establish, and improve harbors within the county, to improve navigable waters within the county, and to construct and maintain canals, slips, turning basins, and channels, all upon such terms and conditions as may be required by the United States and the State of Florida.

(5) To acquire for any project authorized by this act by grant, purchase, gift, devise, condemnation by eminent domain proceedings,

exchange, or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as each authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by each authority in the manner provided by law.

(6) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement, or modernization of any project and to pledge the revenues to secure the payment of bonds.

(7) To enter into joint arrangements with airlines, steamship lines, railroads, any common carrier, or any other commercial enterprise, related to either authority's basic mission, if either authority shall deem it advantageous so to do.

(8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of their respective duties and the exercise of their respective powers; to make and execute leases or agreements for the use and occupation of the property and projects under their respective control on such terms, conditions, and period of time as each authority may determine, except as noted in subsection (3) of section 1; and to sell and dispose of such property and projects as shall no longer be needed for the uses and purposes of either authority on such terms and conditions as shall be prescribed by resolution of either authority; however, before disposing of any real property which was acquired from either the city or county under the provisions of this act, each authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give such authority written notice of such intention within 30 days from the date of mailing of such authority's notice regarding the disposal of such property, and such authority shall make the reconveyance of such property to said governmental unit forthwith. If within such 30 days, said governmental unit does not notify such authority in writing of a desire to accept a reconveyance of said property or refuses to accept a reconveyance of same such authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of such authority. Neither authority shall sell real property for less than the appraised value.

(9) To the extent permitted by law to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under the respective control of either authority, and to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; and to impose sanctions to promote and enforce compliance with any rule or regulation which either authority may adopt in the regulation of the ports, harbors, wharves, docks, and other projects under its control.

(10) To fix the rates for wharfage, dockage, warehousing, storage, landing, and port and terminal charges for the use of the facilities owned or operated by such respective authority.

(11) To solicit air carriers, shipping lines, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the seaport and airports operated by the respective authorities; to publicize, advertise, and promote the activities and projects authorized by this act and to promote the objects of either authority in the manner set forth by resolution of said authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this act; to cooperate, including expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and in furtherance thereof, to authorize expenditures for any and all of the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized, provided, however, that funds obtained under chapters 159 and 315 may not be used for such purposes. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee



of either authority, such authority may reimburse such member or employee therefor, but only after such expenditures have been duly authorized by such authority.

(12) To receive and accept from any federal or state agency grants for or in aid of the construction, improvement, or operation of any project and to receive and accept contributions from any source of money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the Federal Government as a condition precedent to the establishment within the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce and to expedite and encourage foreign commerce, and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said county of one or more bonded warehouses.

(14) To enter into any contract with the State of Florida, the Federal Government, or any agency of said governments, which may be necessary for development of any project related to the authority's basic mission.

(15) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as either authority may deem necessary and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement, and development of any project.

(16) To grant exclusive or non-exclusive franchises to persons, firms, or corporations for the operation of restaurants, cafeterias, bars, cigar and cigarette stands, newsstands, buses, taxicabs, vending machines, hotels, motels, service stations, and other concessions in, on, and in connection with any project owned and operated by such authority. In granting such franchises it shall be the duty of the authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services for the public using the facilities and the revenues which will be derived therefrom by such authority and to exercise sound prudent business judgment on behalf of such authority with respect thereto, calling for bids when practicable and when the interests of the public will best be served by such action.

(17) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity, or telephone service to or in connection with any project.

(18) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by such authority, or under its control, to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects and to combine for financing purposes any two or more projects constructed or acquired by such authority under the provisions of this act. In any such case the authorities may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects from the operation of which such revenues arise, for the performance of either authority's contracts in connection with such project or projects, and for the payment of principal of premium, if any, and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the authorities may determine, unless such surplus has been pledged for the payment of principal of premium, if any, and interest on bonds, as authorized in subsections (1)-(6) of section 4, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

(20) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of Article VII, Section 10(c)(2) of the State Constitution, or as an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein.

(21) To appoint officers for the administration of criminal justice, as defined by Title 28, Chapter 1, Part 20, Code of Federal Regulations, and required by Part 107 of the Federal Aviation Regulations, at Jacksonville International Airport, Herlong Airport, Craig Airport, and Cecil Field. The Airport Authority shall assume all civil responsibility for the actions of such officers and shall provide for the necessary bond to cover any and all actions at law which might arise from the conduct of such officers within the scope of their employment.

#### Section 4. Issuance of bonds.—

(1) Each authority is authorized to issue general obligation bonds or revenue bonds of either said authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location any buildings, structures, or facilities, which in the opinion of either such authority constitute obstructions or hazards to the safe or efficient operation of any such project and for the purpose of paying off and retiring any bonds issued or assumed under the provisions of this act.

(2) The bonds of each issue shall be authorized by resolution of the issuing authority and shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the issuing authority, and may be made redeemable before maturity, at the option of the issuing authority, at such price or prices and under such terms and conditions as may be fixed by the issuing authority prior to the issuance of the bonds. The issuing authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties, and obligations of the issuing authority with respect to the same, as shall be determined by the issuing authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if such officer had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon registered or book entry form, as the issuing authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(3) Prior to any public sale of bonds, either authority shall, in addition to any other publication and notice to the financial community, cause notice to be given by publication in a daily newspaper published and having a general circulation in the city that the issuing authority will receive bids for the purchase of the bonds at the office of the issuing authority in the city. Said notice shall be published once not less than 15 days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale, shall state that the bids shall be sealed bids, and shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the

resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the issuing authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale, a copy of such advertisement shall be given to the Florida Division of Bond Finance and to at least three recognized bond dealers in the state, not less than 10 days prior to the date set for receiving the bids.

(4) Except as otherwise provided in this subsection, bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the issuing authority. The issuing authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the issuing authority shall determine to be in its best interest. However, any price less than 100 percent of par value shall be subject to section 215.84, Florida Statutes, as it may be amended from time to time. In no event shall said bonds be sold at a net interest cost to the issuing authority in excess of the legal limit, as established by section 215.84, Florida Statutes, or according to said section as it may be amended from time to time. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a 360-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(5) The issuing authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of 2 percent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the issuing authority, as a guarantee of good faith in the performance of each bid. The checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his or her bid.

(6) No general obligation bonds shall be issued by either authority hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast by qualified voters in an election held for such purpose. Whenever an authority, by resolution, requests the council of the City of Jacksonville to hold such an election, said council shall, on behalf of such authority, hold, conduct, canvass, and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the issuing authority that has requested the election. In no event shall such general obligation bonds be construed or considered to be bonds of the City of Jacksonville or any other municipality but shall be solely bonds of said authority that issues the bonds.

(7) Each authority is authorized to borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(8) Subject to the restrictions contained in subsections (2), (3), and (4) of section 4., each authority shall have the power to provide for the issuance of refunding bonds of such authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds then outstanding which have been assumed by such authority or issued for the purpose of financing the cost of making enlargements, extensions, and improvements to any project acquired, constructed, or operated under the provisions of this act. Said authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of such authority for the combined purpose of:

(a) Paying the cost of enlargement, extension, reconstruction, or improvement of any project or combination of projects.

(b) Refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by such authority under the provisions of this act which shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement.

The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the respective authorities with respect to the same shall be set forth in the resolution of the authorities authorizing the issuance of such bonds.

Section 5. Budget and finance.—The fiscal year of each authority shall commence on October 1 of each year and end on the following September 30. Each authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation [budget] requested by each authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the Jacksonville Seaport Authority shall not be reduced below \$800,000 for each year that the bonds to which the \$800,000 is pledged remain outstanding.

Section 6. Rights of bondholders.—All bonds issued by the City of Jacksonville or the Jacksonville Port Authority related to properties transferred to the authorities and bonds issued under authority of chapter 63-1447, Laws of Florida, remain the liability, responsibility, and obligation of the issuer and the rights of the holders of existing outstanding bonds shall be unimpaired. Rights, duties, and obligations of the authorities with respect to the property transferred to it by the Jacksonville Port Authority are ratified and remain unchanged.

Section 7. Rights of employees.—

(a) Except as provided in paragraph (b), all employment rights and employee benefits authorized under section 11, chapter 63-1447, Laws of Florida, as amended, are hereby confirmed, ratified, and continued, notwithstanding the repeal of said chapter 63-1447, Laws of Florida, as amended. In order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county agency and employees of each such authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Those employees of the Jacksonville Port Authority who were assigned to any activity related to the operation of the marine facilities shall become employees of the Jacksonville Seaport Authority. Those employees of the Jacksonville Port Authority who were assigned to any activities related to the operation of any aviation facilities operated by the Jacksonville Port Authority shall be employees of the Jacksonville Airport Authority. Central administrative employees shall be employed by either the Jacksonville Seaport Authority or the Jacksonville Airport Authority. It is expressly provided that none of those employees of the former Jacksonville Port Authority who remain with either the Jacksonville Seaport Authority or the Jacksonville Airport Authority shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, each authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act were performed by the Jacksonville Port Authority. In order to specifically preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System, pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county authority and employees of each such authority who are currently participating in the Florida Retirement System and all employees of each authority after the effective date of this act shall participate in the Florida Retirement System.

(b) *The Jacksonville Port Authority firefighters shall become merged into the City of Jacksonville's Fire and Rescue Department and shall become employees of the City of Jacksonville; however, with respect to pension benefits such Jacksonville Port Authority Fire Department employees shall have a one-time option to continue participation in the Florida Retirement System or to participate in the City of Jacksonville Police and Fire Pension Fund. Such option must be exercised no later than November 1, 2001. Upon such merger, firefighting services for the airports owned and operated by the Jacksonville Airport Authority shall be provided by the Fire and Rescue Department of the City of Jacksonville pursuant to a written contract to be entered into by and between the City of Jacksonville and the Jacksonville Airport Authority. Notwithstanding any provision in this act to the contrary, such merger and contract shall become effective October 1, 2001. If any firefighter who has vested in the Florida Retirement System exercises the option to become a member of the City of Jacksonville Police and Fire Pension Fund, such vested time shall not be included in the City of Jacksonville Police and Fire Pension Fund.*

*Section 8. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state to make and enter into with the authorities, contracts, leases, conveyances, or other agreements within the provisions and purposes of this act. The authorities are hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this act.*

*Section 9. Audits; bonds.—The authorities shall issue quarterly and annually financial reports of their respective operations and shall also cause annual audits to be made of their respective operations and affairs by an independent certified public accountant, in such detail as may be necessary to show the financial operation and status of the authorities, and the same shall be preserved as public records of the authorities. The authorities' records may be audited at any time by the Council Auditor of the City of Jacksonville. Members of said authorities shall be required to give a good and sufficient surety bond in the sum of \$50,000, payable to the City of Jacksonville, conditioned upon the faithful performance of their duties as members of the authorities. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, and the premium or premiums thereon shall be paid by the respective authorities as a necessary expense of said authorities. Each authority shall have power to require their respective managing directors and such others of its employees as they may deem necessary to furnish good and sufficient surety bond in such sum as such authority shall require, conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of each said authority.*

*Section 10. Award of contracts.—*

(1) *All construction, reconstruction, repairs, or work of any nature made by the authorities, where the entire costs, value, or amount of such construction, reconstruction, repairs, or work, including the labor and materials, exceeds \$12,000, except construction, reconstruction, repairs, or work done by employees of such authorities or by labor supplied under agreement with Federal Government or state government, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authorities with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. Each authority shall keep a current list of responsible bidders and, whenever the authorities shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by either authority, and in an amount fixed by either authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with each authority will pay for all materials furnished and services rendered for the performance of the contract and that any person*

*or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of either authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of such authority, or otherwise, other than by contract.*

(2) *All supplies, equipment, machinery, and materials, costing \$12,000 or more, shall be purchased by the authorities only after due advertisement as provided hereinafter. The authorities shall accept the lowest bid or bids, kind, quality, and material being equal but the authorities shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.*

(3) *The term "advertisement" or "due public notice" wherever used in this section means a notice published at least once a week for 2 consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as each authority shall deem advisable.*

(4) *Subject to the aforesaid provisions, the authorities may, but without intending by this provision to limit any powers of either authority, enter into and carry out such contract or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the authorities may deem desirable or as may be requested by the Federal Government or state government assisting in the financing of its projects, seaport facilities, airport facilities, and facilities related thereto, or any part thereof, provided the provisions of this subsection shall not apply to any case in which an authority has taken over by transfer or assignment any contract assigned to it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of sections 11 and 12, or to any contract in connection with projects which an authority may have had transferred to it by any persons or private corporations, and further provided the provisions of this section shall not apply to any contract or agreement between an authority and any engineers, architects, attorneys, or other professional services or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.*

*Section 11. Execution of instruments; examination of claims.—All instruments in writing necessary to be signed by either authority shall be executed by its chair and secretary. Either authority may, by resolution, designate one or more officers, members, employees, or agents of such authority to execute instruments in writing where it is necessary that such instruments be signed by either authority. No expenditure of funds of either authority shall be made except by voucher approved by the spending authority and signed by its chair and secretary, or by one or more officers, members, or employees of such authority as such authority may designate by resolution. The foregoing authority of the chair may be exercised by the vice chair in the absence of the chair and the foregoing authority of the secretary may be exercised by an assistant secretary designated by each authority in the absence of the secretary. Each authority shall provide for the examination of all payrolls, bills, and other claims and demands against either authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.*

*Section 12. Transfer of assets and liabilities.—The Jacksonville Port Authority shall take all actions necessary to convey, assign, transfer, and set over:*

(1) *All of the right, title, and interests of the Jacksonville Port Authority in and to its marine port facilities and its airport facilities, including, without limitation, its real and personal property and any interests therein, books, records, contracts, leases, and all other property of any kind or nature related to the operation of the marine port activities*

and airport activities, by operation of this act and without further act, to the Jacksonville Seaport Authority or Jacksonville Airport Authority, respectively, depending upon the operation or jurisdiction of each such authority.

(2) All contracts and leases relating to Jacksonville Port Authority's marine port operations and airport operations, respectively, shall, by operation of this act and without further act, become contracts and leases of the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each successor authority.

(3) All accounts receivable, accounts payable, and cash on hand relating to the Jacksonville Port Authority's marine port operations and airport operations shall, by operation of this act, and without further act, be transferred or delivered to the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority.

(4) All operating expenses, including taxes of all kinds and all revenue and expense accruals of Jacksonville Port Authority's marine operations and airport operations shall be transferred to the Jacksonville Seaport Authority or to the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority, on the effective date at transfer.

The conveyances specified in this section shall be effective as of October 1, 2001.

Section 13. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.—The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the Jacksonville Seaport Authority.

Section 14. Declaration of purposes.—The authorities created by this act and the purposes which they are intended to serve are hereby found to be for a county and public purpose. Such authorities are political subdivisions of the State of Florida, local governmental bodies within the meaning of Article VII, Section 10(c)(2) of the State Constitution, and, subject to proper resolution and establishment by the council of the City of Jacksonville pursuant to section 159.45, Florida Statutes, an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein. Nothing in this act is intended to create entities which are exempt from ad valorem taxation.

Section 2. Section 1. Construction.—The powers of each authority created by this act shall be construed liberally in favor of each such authority. No listing of powers included in this act is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general powers of either respective authority as stated in section 3. It is the intent of this act to grant each authority full power and right to exercise all authority necessary for the effective operation and conduct of each such authority. It is further intended that each authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which each such authority is created. The fact that this article specifically states that either authority possesses a certain power does not mean that either such authority must exercise such power unless this article specifically so requires.

Section 2. Severability clause.—The provisions of this act are severable and it is the intention to confer the whole or any part of the powers provided for herein and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3. Repealer; abolition of Jacksonville Port Authority; assumption of responsibility.—

(1) Effective October 1, 2001, chapters 63-1447, 65-1459, 65-1467, 65-1471, 65-1472, 65-1726, 67-1301, 67-1302, 67-1303, 67-1304, 67-1305, 67-1533, 67-1536, 67-1542, 67-2227, 70-663, 70-666, 70-667, 70-674, 70-677, 70-1002, 71-698(5), 72-532, 73-452, 74-472, 77-546, 79-451, 80-517,

81-371, 83-399, 85-429, 86-401, 86-412, 91-373, 92-338, and 94-422, Laws of Florida, which create, establish, revise, amend, or otherwise relate to the Jacksonville Port Authority, are hereby repealed.

(2) Effective October 1, 2001, the Jacksonville Port Authority, created, established, revised, or amended by the above-referenced laws, is hereby abolished, and all its functions, plans, projects, and programs in effect or undertaken by the Jacksonville Port Authority relative to seaport operations and airport operations shall be assumed by the Jacksonville Seaport Authority and the Jacksonville Airport Authority, respectively, on that date.

Section 3. Section 18.07 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, is amended in part to read:

Section 18.07. Definitions.

For purposes of this Charter, the following terms shall have the following meanings:

(d) "Independent agencies" means the Duval County School Board, the Jacksonville Airport Authority, the Jacksonville Seaport Authority, ~~the Jacksonville Port Authority~~, the Jacksonville Transportation Authority, the Jacksonville Electric Authority, the Jacksonville Downtown Development Authority, and the Jacksonville Police and Fire Pension Board of Trustees.

Section 4. Subsection (4) of section 24.04 of Article 24 of chapter 92-341, Laws of Florida, as amended by chapter 97-339, Laws of Florida, is amended, and subsection (12) is added to said section, to read:

Section 24.04. Individual ex officio advisors to the commission.

The following individual ex officio advisors are named to assist the commission in an advisory or fact-finding role as may be requested individually or collectively of them by the commission so as to effectuate the centralized economic development goals of the commission. No ex officio advisor shall serve simultaneously as both an ex officio advisor and as an appointed member of the commission. These individual ex officio advisors shall be:

(4) The President/Chief Executive Officer of the Jacksonville Airport Port Authority.

(12) The President/Chief Executive Officer of the Jacksonville Seaport Authority.

Section 5. Sections 1 and 12 of section 1 of this act shall take effect upon this act becoming a law and the remaining sections of this act shall take effect on October 1, 2001.

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

On motion by Rep. Davis, the rules were waived and HB 903, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |                     |             |
|------------|---------------------|---------------------|-------------|
| The Chair  | Bendross-Mindingall | Cantens             | Frankel     |
| Alexander  | Bennett             | Carassas            | Gannon      |
| Allen      | Bense               | Clarke              | Garcia      |
| Andrews    | Benson              | Cusack              | Gardiner    |
| Argenziano | Berfield            | Davis               | Gelber      |
| Arza       | Betancourt          | Detert              | Gibson      |
| Attkisson  | Bilirakis           | Diaz de la Portilla | Goodlette   |
| Atwater    | Bowen               | Diaz-Balart         | Gottlieb    |
| Ausley     | Brown               | Dockery             | Green       |
| Baker      | Brummer             | Farkas              | Greenstein  |
| Ball       | Brutus              | Fasano              | Haridopolos |
| Barreiro   | Bucher              | Fields              | Harper      |
| Baxley     | Bullard             | Florentino          | Harrington  |
| Bean       | Byrd                | Flanagan            | Hart        |

|           |             |            |            |
|-----------|-------------|------------|------------|
| Henriquez | Kyle        | Murman     | Simmons    |
| Heyman    | Lee         | Needelman  | Siplin     |
| Hogan     | Lerner      | Negron     | Slosberg   |
| Holloway  | Littlefield | Paul       | Smith      |
| Jennings  | Lynn        | Peterman   | Sobel      |
| Johnson   | Machek      | Prieguez   | Sorensen   |
| Jordan    | Mack        | Rich       | Spratt     |
| Joyner    | Mahon       | Richardson | Stansel    |
| Justice   | Mayfield    | Ritter     | Trovillion |
| Kallinger | Maygarden   | Romeo      | Wallace    |
| Kendrick  | McGriff     | Ross       | Waters     |
| Kilmer    | Meadows     | Rubio      | Weissman   |
| Kosmas    | Mealor      | Russell    | Wiles      |
| Kottkamp  | Melvin      | Ryan       | Wilson     |
| Kravitz   | Miller      | Seiler     | Wishner    |

Nays—None

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

**HB 905**—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 911**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945,

as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 919**—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 580173)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Escambia County Utilities Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority, including all current legislative powers granted to the authority by its several legislative enactments, to repeal certain obsolete provisions, to restore words inadvertently omitted in the preparation of Chapter 97-364, Laws of Florida, and to delete gender-specific references.

Section 2. *Chapters 92-248, 93-365, 95-497, and 97-364, Laws of Florida, relating to the Escambia County Utilities Authority, are codified, reenacted, amended, and repealed as herein provided.*

Section 3. The charter for the Escambia County Utilities Authority is re-created and reenacted to read:

*Section 1. Authority created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the “Escambia County Utilities Authority,” hereinafter referred to as the “authority.” The authority is hereby declared to be an independent special district.*

*Section 2. Legislative findings.—The Legislature finds and declares that the health, welfare, and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: that the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public; that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county; that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized; and that the consolidation of utility systems may eliminate duplicative staff functions and positions.*

*Section 3. Purposes.—The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, sewer, and such other additional utilities as may be hereafter designated as provided in sections 5(c) and 7(c) herein, which are now, in the future could be, or could have been, but for this act, exercised by the City of Pensacola or Escambia County, Florida.*

*Section 4. Governing body.—*

*(a) The governing body of the authority shall consist of five members. Members shall be elected by a majority of their electors in partisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.*

*(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the “Board”). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.*

*(c) Members shall be eligible for reelection.*

*(d) Before entering upon his or her duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the office of the Secretary of State.*

*(e) As compensation for performance of duties and responsibilities set forth herein, members of the authority and their successors shall receive from the authority monthly an amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly by members of the District School Board of Escambia County, and shall also receive from the authority \$200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.*

*(f) The authority shall elect a chair and a vice chair from the members of the authority, each of whom shall serve for 1 year or until his or her successor is chosen. The chair, or the vice chair in the chair's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chair upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an “agency” within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an “agency” within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed an “agency” or “authority of the county” for purposes of section 286.011, Florida Statutes, the “Government in the Sunshine Law.” In addition to the provisions of the Code of Ethics for Public Officers and Employees, part III of chapter 112, Florida Statutes, no consultant to the authority shall have or hold any employment or contractual relationship with a business entity other than the authority in connection with any contract in which the consultant personally participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while the consultant. However, this provision shall not preclude the award of any contract to a consultant if such contract is awarded after open competitive bidding, and if the consultant submits the low bid.*

*Section 5. Powers.—*

*(a) The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:*

*(1)a. The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates, or other evidences of indebtedness, including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates, or other evidences of indebtedness authorized to be issued by this act may be validated in the manner prescribed in chapter 75, Florida Statutes.*

Any complaint for validation permitted by the preceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds, or revenues, of whatever kind or nature, and may specify the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests, and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

b. In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(2) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the Board, the City of Pensacola, or the City Council of the City of Pensacola (hereinafter referred to as the "Council"), or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, and water supply, including, but not limited to, the powers granted under chapter 125, chapter 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(3) All powers granted to municipalities with regard to sewage collection and disposal and water supply granted to municipalities pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under chapter 170, Florida Statutes.

(4) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(5) The power to set, fix, pledge to establish, or establish, levy, or impose assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(6) The power of eminent domain, as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the Board or the Council) of the jurisdiction in which the subject property is located.

(7) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the construction, operation, and maintenance of the systems, facilities, or functions under jurisdiction of the authority, and to comply with all requirements and conditions imposed in connection therewith.

(8) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(9) All other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this act.

(10) All privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person

executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(11) Only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(12) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(13) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, but adjacent thereto, if capacity is available.

(14) The power to establish civil penalties, including the imposition of fines, for the violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce the rules and regulations adopted pursuant to this section, by suit for injunction or other appropriate action in the courts of the state.

(15) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth in section 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

(b) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(c)(1) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the Council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(2) In providing, operating, or maintaining resource recovery systems or solid waste collection, distribution, or disposal systems, the authority shall use the most cost-effective means of providing such systems and is encouraged to contract with private persons on a competitive basis for any and all such systems in order to ensure that such services are provided on the most cost-effective basis. In accordance with section 403.7063, Florida Statutes, the authority shall not discriminate against private persons who provide resource recovery systems or solid waste collection, distribution, or disposal systems.

(3) The authority shall seek competitive bids for all construction-related activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems when the estimated total cost of construction will exceed \$5,000.

(d) No listing of powers included in this act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.



(e) Except as is hereinafter provided, nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the Board. The Board shall continue to exercise such powers, duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the Board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The Board and the authority are authorized to utilize the provisions of section 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the Board exercises ratemaking authority or approval, subject to the limitations of such statutes and rules. Any publicly owned or privately owned water utility operating within Escambia County on or after August 1, 1981, under any franchise, permit, or other authorization from the authority, the Board, or the state shall:

(1) Promptly provide to the authority as soon as it is available a copy of its complete water service consumption information with regard to water service customers of such utility who are also sewer service or solid waste service customers of the authority or of an entity with which the authority has an agreement under subsection (i); and

(2) Upon certification by the authority that any such customer has failed to pay charges for sewer service or solid waste service furnished by the authority or by an entity with which the authority has an agreement under subsection (i) and has been given notice and a reasonable opportunity to pay such charges, discontinue furnishing water to such customer and disconnect the water supply system of such customer until all such charges and other charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full.

For purposes of interpreting Florida Administrative Code Rule 25-30.320, the authority shall be considered an "affiliated utility" of any such water utility. The authority shall promptly reimburse to such cooperating water utility the reasonable cost of providing a copy of its water service billing information and of disconnecting its water service.

(f) The authority shall enter into an agreement with each entity furnishing solid waste collection service to customers who are required by the Board to subscribe for such service. Upon certification to the authority by such entity that a customer has failed to pay charges for solid waste service furnished by it and has been given notice and a reasonable opportunity to pay such charges, the authority:

(1) Shall, if the customer is a customer of water from the authority, discontinue furnishing water to such customer and disconnect the water supply of such customer until all such charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full; or

(2) Shall certify the information provided by such entity to any utility providing water service to the customer, if the customer is also a customer of water from the water utility. The entity shall promptly reimburse the authority for amounts paid to a water utility under subsection (e) on its behalf.

**Section 6. Public purpose.**—The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola; that the authority is performing an essential governmental function; that all property of such authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes; and that all bonds, notes, revenue certificates, or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be

nontaxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

**Section 7. Transfer of assets and liabilities.**—

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of \$10 million as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. However, if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating to the county's Water and Sewer District Number One, then such obligations shall be transferred to the authority; otherwise, the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Furthermore, the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations; whereupon, all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities, and assets of the city's and county's water and sewer systems. To consummate the sale as aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When such transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. However, accounts receivable and debts of the city and the county that are due and payable prior to the date of such transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept, any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation shall be agreed upon by the governmental body and the authority. However, the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Nothing herein contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority, on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, or pledged, notwithstanding the provisions of any other law; provided, however, that ad valorem taxes



may be so provided and used only after full compliance with the Constitution of the State of Florida, and provided further that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

**Section 8. Franchise fees.**—The Council is hereby authorized to impose a franchise fee upon the authority system; provided, however, that the authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

**Section 9. Rate setting procedure.**—

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, or other additional utility systems of the authority.

(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(a)(5). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such premises, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g)(1) Except as hereinafter provided in paragraph (2), no assessments, rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such

assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and organizations that have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the public hearing. Such hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users or property served shall be extended to cover any additional users or property thereafter served that fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as hereinabove provided.

**Section 10. Personnel.**—

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority and fix their compensation within the guidelines established by the Escambia County Civil Service Rules.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities that theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain interlocal agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his or her election, within 30 days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such

employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who, prior to being transferred to the authority, were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the same rights under such system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing such system, and shall include, but shall not be limited to, the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of section 112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its general pension and retirement fund.

(f) Employees of the authority are subject to the civil service system of Escambia County and to the policies and rules of the Civil Service Board.

#### Section 11. Personnel appeals board.—

(a) There shall be appointed a personnel appeals board comprised of two members appointed by the authority, two members chosen by employees of the authority classified below the level of department head, and one member appointed by the other four members. The members of the board shall serve a term of 1 year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or of employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 13. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel, and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.

(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may have had under any civil service or personnel system of the City of Pensacola or Escambia County.

#### Section 12. Process and procedure.—

(a) Any person wishing to appeal an action of the authority that directly affects his or her substantial interests may file a petition for review within 10 days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days of receipt.

(b) If the petition is granted, the petitioner, or his or her counsel, shall be afforded an opportunity, at a mutually convenient time and place and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to the authority's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision

of the authority shall have the same rights and remedies that would have been available to him or her under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.

Section 14. Fiscal year and budget.—The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget that shall be balanced and that shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 15. Execution of documents; payment of bills.—All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent, or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, and legally due and payable and that the authority has funds on hand to make payment.

Section 16. Management efficiency audit.—The authority shall contract for a management efficiency audit by a private firm within 1 year of the effective date of the act, and at intervals of at least 3 years thereafter, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

Section 17. Citizens' advisory committee.—The authority shall make provision for and appoint a citizens' advisory committee or committees. The appointees to such committees shall have no personal or business ties with the authority that could be construed as a conflict of interest.

Section 18. Enforcement and penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed \$500 for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding \$500 but not exceeding \$2,000 per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than \$500 in order for the authority to carry out a federally mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(a)(14) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the

prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 19. The provisions of this act shall be liberally construed to effectuate the purposes set forth herein.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application and to this end the provisions of this act are declared severable.

Section 4. Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, 91-403, 92-248, 93-365, 95-497, and 97-364, Laws of Florida, and section 3 of chapter 91-335, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

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

On motion by Rep. Miller, the rules were waived and HB 919, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 927**—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing

duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 025235)

**Amendment 1**—On page 2, line 19, after the word “Authority” insert: or “District”

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 040321)

**Amendment 2**—On page 3, line 31, through page 4 lines 1 and 2, remove from the bill: all of said lines

and insert in lieu thereof: *members as chair of the authority and one as a vice chair. At the same time, a secretary and treasurer shall*

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

On motion by Rep. Waters, the rules were waived and HB 927, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 929**—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special

laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 872691)

**Amendment 1**—On page 4, lines 30 and 31, through page 5, line 1 remove from the bill: all of said lines

and insert in lieu thereof:

*Section 5. All donations to the Rupert J. Smith Law Library of Saint Lucie County and all property in any wise acquired by*

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

On motion by Rep. Mayfield, the rules were waived and HB 929, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 931**—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 174543)

**Amendment 1**—On page 9, lines 11-19, remove from the bill: all of said lines

and insert in lieu thereof: *chosen and shall qualify. Five members shall be elected by a majority vote of registered electors residing in the district and voting in an election. Elected members of the board shall be residents of the district.*

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 884135)

**Amendment 2**—On page 9, line 28, remove from the bill: said line

and insert in lieu thereof: *terms expire. In November, 2002, the two new board members*

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

On motion by Rep. Ritter, the rules were waived and HB 931, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 937**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of

Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 939**—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|            |                     |          |                     |
|------------|---------------------|----------|---------------------|
| The Chair  | Barreiro            | Brown    | Detert              |
| Alexander  | Baxley              | Brummer  | Diaz de la Portilla |
| Allen      | Bean                | Brutus   | Diaz-Balart         |
| Andrews    | Bendross-Mindingall | Bucher   | Dockery             |
| Argenziano | Bennett             | Bullard  | Farkas              |
| Arza       | Bense               | Byrd     | Fasano              |
| Attkisson  | Benson              | Cantens  | Fields              |
| Atwater    | Berfield            | Carassas | Fiorentino          |
| Ausley     | Betancourt          | Clarke   | Flanagan            |
| Baker      | Bilirakis           | Cusack   | Frankel             |
| Ball       | Bowen               | Davis    | Gannon              |

|             |             |            |            |
|-------------|-------------|------------|------------|
| Garcia      | Jordan      | Maygarden  | Russell    |
| Gardiner    | Joyner      | McGriff    | Ryan       |
| Gelber      | Justice     | Meadows    | Seiler     |
| Gibson      | Kallinger   | Mealor     | Simmons    |
| Goodlette   | Kendrick    | Melvin     | Siplin     |
| Gottlieb    | Kilmer      | Miller     | Slosberg   |
| Green       | Kosmas      | Murman     | Smith      |
| Greenstein  | Kottkamp    | Needelman  | Sobel      |
| Haridopolos | Kravitz     | Negron     | Sorensen   |
| Harper      | Kyle        | Paul       | Spratt     |
| Harrington  | Lee         | Peterman   | Stansel    |
| Hart        | Lerner      | Prieguez   | Trovillion |
| Henriquez   | Littlefield | Rich       | Wallace    |
| Heyman      | Lynn        | Richardson | Waters     |
| Hogan       | Machek      | Ritter     | Weissman   |
| Holloway    | Mack        | Romeo      | Wiles      |
| Jennings    | Mahon       | Ross       | Wilson     |
| Johnson     | Mayfield    | Rubio      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 943**—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 945**—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm

Beach County; codifying the Authority's charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 481971)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Solid Waste Authority of Palm Beach County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the Solid Waste Authority of Palm Beach County, including all current legislative authority granted to the Authority by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-462, Laws of Florida, relating to the Solid Waste Authority of Palm Beach County, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Solid Waste Authority of Palm Beach County is re-created and reenacted to read:

Section 1. Short title.—This act may be known and cited as the "Palm Beach County Solid Waste Act."

Section 2. Declaration of legislative intent.—In order to enhance the beauty and quality of our environment, conserve our natural resources, prevent the spread of disease and creation of nuisances, protect the public health, safety, and welfare, and provide a coordinated resource recovery and waste management program for Palm Beach County, it is necessary to form a countywide authority for the management of solid waste to meet the expanding problems related to the processing and disposal of solid waste within Palm Beach County and to:

(1) Provide for the safe and sanitary processing and disposal of solid waste.

(2) Provide a coordinated countywide program for the management of hazardous waste and control of solid waste processing and disposal in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution.

(3) Require the municipalities and the county to plan for and develop an adequate solid waste collection system.

Section 3. Creation of countywide solid waste authority.—In order to effectuate the intent and purpose of this act as set forth in section 2, the Solid Waste Authority of Palm Beach County is created as a dependent special district. Its board shall consist of the seven members of the Board of County Commissioners of Palm Beach County. A quorum of the board shall be four members.

Section 4. Application to incorporated and unincorporated areas.—This act shall apply to both the incorporated and unincorporated areas of Palm Beach County.

Section 5. Definitions.—As used in this act, unless some other meaning is plainly intended:

(1) "Act" means this act and all amendments thereto.

(2) "Authority" means the Solid Waste Authority of Palm Beach County.

(3) "Clerk" means Clerk of the Circuit Court of Palm Beach County, Florida.

(4) "Cost of acquisition and/or construction" means the cost of acquiring, constructing, reconstructing, improving, extending, equipping, and furnishing any resource recovery and solid waste management facilities, including the cost of demolishing, removing, or relocating any buildings, structures, or utilities on lands acquired or to be acquired, including the cost of acquiring lands to which such buildings, structures, or utilities may be moved or relocated, the cost of all labor and materials, the cost of financing charges, discount on the purchase price of bonds otherwise permitted hereunder, and interest on the bonds of the Authority prior to, during, and for a period not exceeding 2 years after completion thereof, payments under and fees and expenses in connection with any derivative agreements, the cost of establishing and funding initial reserves, the cost of engineering, financial, and legal services plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incidental to determining the feasibility or practicability of any such construction or acquisition, administrative expenses, and such other costs and expenses as may be necessary or incidental to such acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing, the financing thereof, placing such resource recovery and solid waste management facilities in operation, and the issuance of bonds under this act.

(5) "County" means Palm Beach County, Florida.

(6) "Department" means the Department of Environmental Protection or any successor agency performing a like function.

(7) "Derivative agreements" means contracts commonly known as investment contracts, interest rate swap agreements, or contracts providing for payments based on levels of or changes in interest rates, or contracts to exchange cash flows or a series of payments, to hedge payment, rate, spread, or similar exposure, which the governing body of the Authority determines to be necessary, desirable, or appropriate to achieve a desirable effective interest rate in connection with bonds, notes, or bond anticipation notes issued by the Authority.

(8) "Director" means the Executive Director of the Solid Waste Authority of Palm Beach County or his or her duly authorized representative.

(9) "Disposal" means the disposition of solid waste by resource recovery, processing, recycling, or the placing of solid waste materials on the land for final disposition, or any combination thereof.

(10) "Fiscal year" means the year beginning October 1 of each year and ending September 30 of the following year.

(11) "General obligation bonds" means bonds or other obligations secured by the full faith and credit and taxing power of the Authority and payable from ad valorem taxes levied and collected on all taxable property in Palm Beach County, without limitation of rate or amount, and may be additionally secured by the pledge of either or both the proceeds of special assessments levied against benefited property or revenues derived from solid waste disposal systems.

(12) "Hazardous waste" has the same meaning as the term is defined in section 403.703(21), Florida Statutes, or any successor law or regulation.

(13) "Municipality" means all incorporated municipalities or special taxing districts exercising municipal powers in relation to collection and disposal of solid waste, lying and being in Palm Beach County, Florida.

(14) "Person" or "persons" means any and all persons, natural or artificial, including any individual, firm, or association, any facility, or any municipal or private corporation organized or existing under the laws of the State of Florida or any other state and any county or governmental agency of this state or the Federal Government.

(15) "Processing" means the act of modifying or altering the nature of solid waste materials to facilitate reuse, transfer, transport, and disposal, including, but not limited to, systems employing physical, thermal, organic, or chemical techniques.

(16) "Property appraiser" means the Property Appraiser of Palm Beach County, Florida.

(17) "Recycling" means any process by which solid waste materials are recovered and reused in manufacturing, agricultural, power production, and other processes.

(18) "Resource recovery" means the process by which materials in solid waste retaining useful physical or chemical properties are reused or recycled for the same or other purposes, including use as an energy source.

(19) "Revenue bonds" means bonds or other obligations of the Authority secured by and payable from the rates, fees, charges, and other income collected by the Authority from the users of its resource recovery and solid waste management facilities, or by pledge of the full faith and credit of the Authority, or by a combination thereof.

(20) "Solid waste" means garbage, sewage, sludge, septage, rubbish, refuse, and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but does not include solid or dissolved materials in domestic sewage, storm drainage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

(21) "Solid waste system" or "resource recovery and solid waste management facilities" or "project" means any plant, facility, or property and additions, extensions, and improvements thereto, at any time constructed or acquired as part thereof, useful or necessary or having the capacity for future use for resource recovery or solid waste management and, without limiting the generality of the foregoing, shall include vehicles used for transport from transfer stations to treatment sites and incinerators for the purposes of reducing the volume of or disposing of solid waste by burial, as well as proper disposal of residue from incineration, and shall include all real and personal property and any interest therein, rights, easements, and franchises of any nature whatsoever, and equipment, machinery, furnishings, fixtures, and replacements, relating to any such solid waste system and necessary or convenient for the operation thereof.

(22) "Tax collector" means the Tax Collector of Palm Beach County, Florida.

(23) "Transport" means the act of movement of solid waste materials to facilitate processing, reuse, and disposal.

(24) "Waste management" means the systematic control of the generation, storage, collection, transport, treatment, processing, recycling, recovery, and disposal of solid waste.

**Section 6. Purposes and powers.**—For the purposes of this act, all of Palm Beach County is deemed to be a special district. In addition to other powers, duties, and responsibilities necessary to carry out the provisions of this act, the Authority shall have the power to:

(1) Adopt and from time to time thereafter alter, rescind, modify, or amend rules, guidelines, and orders necessary for its operation in accordance with chapter 403, Florida Statutes, and all successor laws. No such rules or amendments thereto shall be adopted or become effective until after a public hearing has been held by the Authority pursuant to notice published in a newspaper of general circulation in the county at least 21 days prior to the hearing. When approved by the Authority, such rules shall have the force and effect of law. Nothing in this act shall be construed so as to prevent the Authority from adopting rules which are more strict and extensive than those imposed by the department.

(2) Adopt a resource recovery and waste management program for Palm Beach County that shall provide for the transportation, storage, separation, processing, recovery, recycling, or disposal of solid waste

generated or existing within the county and modify and update such program or plan as necessary or as may be required by law.

(3) Acquire, at its discretion, personal or real property or any interest therein by gifts, lease, eminent domain, or purchase. The Authority may enter upon any land or water for the purpose of making surveys and may exercise the right of eminent domain whenever public necessity or convenience requires in accordance with chapters 73 and 74, Florida Statutes, and other applicable law.

(4) Appoint an executive director to be responsible to the Authority and who shall serve at its pleasure. There shall be such other officers and employees as may be provided by the Authority. The officers shall be appointed or removed by the executive director subject to confirmation by the Authority. The employees shall be appointed and removed by the executive director. The Authority shall fix the salary of the executive director and shall have, but may delegate to the executive director, the power to fix the salaries of all other officers and employees of the Authority. The Authority shall also have the power to employ or appoint engineers, accountants, attorneys, and such other personnel as may be required for the operation and management of the Authority and to fix their compensation.

(5) Require surety bonds for any of the officers and employees in such amounts as the Authority deems necessary. The premiums for the bonds shall be paid in the same manner as any other operating expense.

(6) Sue and be sued, implead and be impleaded, and complain and defend in all courts.

(7) Adopt, use, and alter a corporate seal.

(8) Acquire, construct, reconstruct, improve, maintain, equip, furnish, and operate at its discretion such resource recovery and waste management facilities as are required to carry out the purposes and intent of this act and to meet the requirements of chapter 403, Florida Statutes, and other applicable law.

(9) Conduct studies, develop programs, provide continuing management and monitoring of waste projects, programs, and facilities directly or indirectly affecting the solid waste management system in Palm Beach County, and contract, for such periods as may be agreed upon by the parties, with governmental agencies, individuals, public or private corporations, municipalities, or any other person in carrying out the purposes of this act and the requirements of chapter 403, Florida Statutes, and other applicable law.

(10) Fix, alter, charge, and establish reasonable rates, fees, and other charges for the facilities provided by the Authority, including, but not limited to, planning, permitting, inspection, collection, enforcement, and disposal site developing and operation, which rates, fees, and charges must be sufficient to cover all costs for said normal functions and facilities, including, but not limited to, permits, fees, and disposal costs.

(11) Without limitation, borrow money and issue evidence of indebtedness and accept property, gifts, or grants or loans of money from the Federal Government, state government, and other sources, public or private, which loans and grants shall be expended in accordance with the purposes and provisions of this act.

(12) Issue revenue bonds.

(a) The Authority shall have the power and is hereby authorized to issue revenue bonds for the purpose of paying all or part of the costs of acquisition and/or construction of resource recovery and waste management facilities. The issuance of such revenue bonds shall be authorized by resolution of the Authority, which resolution may be adopted at a regular or special meeting by a majority vote of members voting thereon and at the same meeting at which it is introduced. Such revenue bonds may be issued in one or more series and shall bear such date or dates of issuance, bear interest at such rate or rates, not exceeding the maximum rate permitted under section 215.84, Florida Statutes, or any successor statute, mature at such time or times, not exceeding 40 years from their respective dates of issuance, be subject to such terms of redemption, with or without premium, be issued in such form, registered

or not, with or without interest coupons, entitle the holder thereof to such conversion or registration privileges, be executed in such manner, be in such denomination or denominations, be payable in such medium of payment at such place or places, which may be any bank or trust company within or without the state, have such rank or priority, be secured in such manner, and have such other characteristics as may be provided in the resolution of the Authority authorizing the issuance of such bonds or in such subsequent resolutions as the Authority may adopt prior to the issuance of such bonds. All bonds issued under this act shall have and are hereby declared to be and to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code—Investment Securities Law of the state. The Authority may sell such bonds at private sale and in such manner and for such price or prices as it may determine to be in the best interest of the Authority, but no such bonds shall be sold at a price as will yield to the purchaser thereof income at a rate exceeding the maximum rate permitted under section 215.84, Florida Statutes, or any successor statute, as computed according to the standard tables of bond values. If said bonds are sold at public sale, a notice of such sale shall be published at least once at least 10 days prior to the date of such sale in a newspaper published and circulating in the county and in a financial newspaper or journal circulating in New York City, New York. The Authority may issue interim bonds, notes, certificates, or receipts, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

(b) The Authority shall fix and revise from time to time the rates, fees, or other charges for the services and facilities furnished by the Authority, and such rates, fees, or other charges shall be so fixed and adjusted as to provide sufficient funds to pay the principal of and interest on all bonds issued as the same become due and payable for such purposes, and including the cost of operating, maintaining, and repairing the facilities of the Authority and all such other payments required by the proceedings providing for the issuance of such bonds. Such rates, fees, or other charges shall not be subject to supervision or regulation by the state, any political subdivision, or any commission, board, or agency.

(c) The Authority, in the issuance of revenue bonds, shall have the authority to pledge all or any part of the revenues derived from the operation of the facilities of the Authority and shall have the power to determine the rank or priority of such pledge of revenues for any purpose, including different issues of bonds, and to grant to the holders of the bonds a lien on all or any part of the revenues prior to the use of such revenues for any other purposes.

(d) All revenues received by the Authority shall be deemed to be trust funds to be held and applied as provided in this act. The Authority may also provide that each issue of bonds or any combined issue of bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank within or without the state. Such trust agreement may pledge or assign the revenues to be received and provide for the rank and priority between different trust agreements for different issues of bonds. The resolution or resolutions providing for the issuance of bonds or such trust agreements may contain such provisions for protecting and enforcing the rights and remedies of the holders of the bonds as may be reasonable and proper, not in violation of the law, including covenants setting forth the duties of the Authority relating to the construction, acquisition, improvement, maintenance, operation, repair, and cost of any project or facility, as is customary in trust agreements or trust indentures securing bonds or debentures of corporations, and may contain such other provisions as the Authority may deem reasonable and proper for the security of the holders of such bonds.

(e) The Authority is also hereby authorized to issue refunding bonds for the purpose of refunding any bonds of the Authority then outstanding, including the payment of any redemption premium thereon, and interest accrued or to accrue to maturity or to the prior redemption of such outstanding bonds, as the case may be, or for the combined purpose of refunding such outstanding bonds and paying the cost of acquisition and/or construction of one or more projects. The issuance of such revenue refunding bonds shall be authorized by resolution of the board of the Authority in the same manner as provided in paragraph (a). Such

refunding bonds may be issued to refund such outstanding bonds as they mature and become payable, or as they are called for redemption prior to their stated dates of maturity, and the Authority shall be authorized to invest the proceeds or part of the proceeds of such refunding bonds, pending the dates of maturity of such outstanding bonds or the dates upon which such outstanding bonds are to be called prior to their stated dates of maturity, in such lawful securities as the Authority shall deem desirable, for the purpose of refunding such outstanding bonds in the manner provided in this paragraph. The issuance of such revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, the security for the payment thereof, and the rights, duties, and obligations of the Authority in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.

(f) The Authority shall also have power to issue notes prior to the issuance of bonds, but such notes shall mature in not less than 3 years and the payment thereof shall be subject to any prior pledge of the revenues of the Authority or any ad valorem taxes of the Authority.

(g) The Authority may also issue bond anticipation notes after the authorization of the issuance of bonds in the manner provided in section 215.431, Florida Statutes, or successor law.

(13) Enter into interest rate swap agreements in connection with tax-exempt bonds and to issue debt to finance payments under such interest rate swap agreements. The use of interest rate swap agreements to reduce borrowing costs will enable the Authority to have flexibility to finance or refinance projects relating to its solid waste system in a more economically efficient manner. The Authority, other special districts, and municipalities already have the express power to enter into interest rate swap agreements and other derivative products with respect to their taxable bonds under the Taxable Bond Act of 1987, part VII, chapter 159, Florida Statutes. The Legislature finds that the ability of the Authority to enter into derivative agreements shall serve a public purpose by reducing interest costs to the Authority and enhancing the marketability of the Authority's bonds, notes, or bond anticipation notes. Further, such derivative agreements afford the Authority the ability to achieve the lowest effective borrowing costs or terms most suitable to the Authority. The provisions of this paragraph are designed to serve a public purpose by providing for the health, safety, welfare, and economic well-being of the people of the county. Further, these provisions are intended to provide express authority to exercise the powers granted hereby and shall not be construed in limitation of any existing powers of the Authority to enter into or carry out any derivative agreements. This paragraph shall be a supplemental and alternative authority to any other provisions of special or general law.

(14) Seek injunctive relief in a court of competent jurisdiction to prevent the violation of this act or any resolution, rule, or regulation adopted pursuant to the powers granted by this act without the necessity of showing of a public nuisance in such legal proceeding.

(15) Sell or otherwise dispose of any byproducts produced by the operation of resource recovery or waste management facilities to any governmental agency, individual, public or private corporation, municipality, or any other person.

(16) Levy ad valorem tax on the taxable property in the special district solely for the purposes of this act and not to exceed 1 mill on the dollar, subject to referendum. Property taxes determined and levied under this section shall be certified by the Authority to the property appraiser and extended, assessed, and collected in accordance with the provisions of chapter 197, Florida Statutes. At any time after making a tax levy under this section and certifying the same to the county and the state, the Authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

(17) When the fees or charges for the services and facilities and any waste disposal or resource recovery facility are not paid when due and payable and are in default for 30 days or more, following written notice to such delinquent customer, discontinue and shut off the supply of the services and facilities of said system to the person, firm, corporation, or other body, public or private, so supplied with such services or facilities



until such fees, rates, or charges, including legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, are fully paid. Such delinquent fees or charges, together with legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorney's fees, costs, and other expenses may be recovered by the Authority in a court of competent jurisdiction.

(18) Transfer, sell, or assign to any governmental agency, individual, public or private corporation, municipality, or other person, at whatever terms it deems reasonable, any property which it finds is not needed to carry out the purposes of this act.

(19) As necessary to carry out its resource recovery and/or disposal plans or programs or when necessary to carry out any other provision of this act, require that all wastes collected by public or private agencies from any municipality or unincorporated area of the county be transported to Authority-designated processing and disposal facilities in a manner and form as may be mandated in accordance with this act, particularly paragraphs (2) and (8) of this section. This act shall not be construed to preclude public or private agencies from operating permitted transfer stations, provided that solid waste transferred or transported therefrom shall be delivered to Authority-designated processing and disposal facilities as set forth in this section.

(20) Perform any and all governmental functions of the county, or of any municipality, related to solid waste provided for by general law, including, but not limited to, chapter 403, Florida Statutes, or any successor law, pursuant to written contract or interlocal agreement. For those purposes, the Authority may employ the special assessment procedures contained in sections 7 and 8 of this act. The Palm Beach County Board of County Commissioners shall set for the unincorporated portions of the county all fees necessary to accomplish the purposes of this paragraph, and the governing body of any municipality shall set the required fees for its respective jurisdiction. Any such fees must be sufficient to pay all costs incurred by the Authority in connection with the solid waste services to be provided, including the cost of billing services.

(21) Establish a mandatory collection system for the county and impose reasonable rates, fees, and charges to all users of said system. The Authority may establish annual collection special assessments for users of this collection system in like manner as the disposal assessments provided for in this section or sections 7 or 8.

(22) Grant franchises and contracts, issue permits, or otherwise provide for the collection of solid waste in the county and receive the assignment of such franchises, contracts, and permits, and establish reasonable rates, fees, and charges therefor.

(23) In connection with, or incidental to, the sale and issuance of bonds, enter into any contracts which the Authority determines to be necessary or appropriate to achieve a desirable, effective interest rate in connection with the bonds or notes by means of, but not limited to, contracts commonly known as investment contracts, funding agreements, interest rate swap agreements, currency swap agreements, forward payment conversion agreements, or futures; contracts providing for payments based on levels of or changes in interest rates; contracts to exchange cash flows or a series of payments; or contracts including, without limitation, options, puts, or calls to hedge payment, rate, spread, or similar exposure. Such contracts or arrangements may also be entered into by the Authority in connection with, or incidental to, entering into any agreement which secures bonds or provides liquidity therefor. Such contracts and arrangements shall be made upon the terms and conditions established by the Authority after giving due consideration for the credit worthiness of the counterparties, where applicable, including any rating by a nationally recognized rating service or by any other criteria as may be appropriate.

(24) Notwithstanding the prohibition against extra compensation set forth in section 215.425, Florida Statutes, provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performances exceed standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

*Section 7. Special assessments; method of levy and collection.—Since all improved properties in the county receive a direct, substantial benefit by the provision of solid waste disposal and collection services by the Authority, the Authority shall have the additional power to impose, levy, collect, or have collected, in accordance with the provisions of chapter 197, Florida Statutes or sections 7, 8 or 9 of this charter, the annual disposal special assessments herein authorized and defined as a means of financing the construction and/or acquisition of additions, extensions, and improvements to the solid waste system, the payment of the principal of and interest on bonds issued pursuant to this act, the cost of operating, maintaining, and repairing the solid waste system, and all other payments that are required to be made by the Authority in connection with the purposes of this act.*

(1) *Definitions.—For the purposes of this section and sections 8 and 9, the following terms shall have the following meanings:*

(a) *“Addendum to annual disposal special assessments roll” or “addendum” means the list prepared by and confirmed by the Authority each fiscal year containing the same information as the annual disposal special assessment roll as to any parcels of improved real property not incorporated on the corresponding annual disposal special assessment roll and incorporating any changes as to the information specified for any parcel of improved real property on the corresponding annual disposal special assessment roll, including any additions to or deletions from such annual disposal special assessment roll.*

(b) *“Annual disposal special assessments” means the annual disposal special assessments imposed upon a parcel or parcels of improved real property for the disposal of solid waste for the applicable fiscal year based upon the classification of the use of such parcel or parcels of improved real property as set forth in the rate resolution.*

(c) *“Annual disposal special assessment roll” means the list prepared and confirmed by the Authority each fiscal year containing a summary description of each parcel of improved real property, the name and address of the owner of each such parcel as indicated on the records maintained by the property appraiser, and the amount of the annual disposal special assessments applicable to each parcel of improved real property.*

(d) *“Collection” means, with respect to solid waste services, the process whereby solid waste is removed and transported to a solid waste facility.*

(e) *“Governmental agencies” means all state, federal, or local agencies or units of government located within the county, including, but not limited to, the School Board of Palm Beach County, all county agencies and departments, all municipalities within the county, all special districts and municipal service taxing units with all or part of their boundaries within the county, and any municipality or special district or other unit of government, the boundaries of which are not within the county but which is the owner of improved real property within the county.*

(f) *“Improved real property” means all real property located within the county that generates or is capable of generating solid waste and that contains buildings, structures, or other improvements designed or constructed for and capable of use or used for human habitation, human activity, or commercial enterprises.*

(g) *“Owner” means the person or persons owning an interest in improved real property.*

(h) *“Rate resolution” means the resolution or resolutions of the Authority described in paragraph (3)(b) of this section and paragraph (2)(b) of section 8 of this charter.*

(2) *Purpose.—It is the purpose of this section to require all persons within the county and all governmental agencies to use exclusively the solid waste system operated and maintained by the Authority or designated by the Authority for the disposal of all solid waste generated within both the incorporated and unincorporated areas of the county; to establish a schedule of assessments for all improved real property in both the incorporated and unincorporated areas of the county to pay for the*

cost of financing, operating, and maintaining the solid waste system; to establish the method and procedure for the classification of such improved real property in the establishment of such schedule of annual disposal special assessments; to provide for a method and procedure for the collection of such assessments from the owners of such improved real property; and to provide for the operation of the solid waste system.

(3) *Determination of annual disposal special assessments; public hearing.*—On or before October 1 of each year, the Authority shall hold a public hearing for the following purposes:

(a) *To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year, including moneys for the payment of the principal of and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefor, for the payment of necessary reserves for capital expenditures and the renovation, improvements, and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments, and for the payment of the current operation and maintenance of the solid waste system.*

(b) *To adopt a rate resolution incorporating a schedule of annual disposal special assessments to impose upon the owners of all improved real property in both the incorporated and unincorporated areas of the county which shall constitute a lien as provided for in paragraph (5) and to establish the classification of the use of such parcel of improved real property in order to provide revenues which, together with other moneys of the Authority lawfully available therefor, shall be sufficient to fund the budget referred to in paragraph (a). The rates established by the Authority in each year under the provisions of the rate resolution shall be sufficient to provide moneys for the purposes described in paragraph (a), and the Authority shall not establish rates over and above the rates that are necessary to comply with the provisions of paragraph (a) and the budgetary requirements of any proceedings of the Authority heretofore or hereafter adopted in connection with the issuance of any of its bonds, notes, or other evidences of indebtedness.*

*Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice, with the first publication being at least 20 days prior to the date set for the public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.*

(4) *Scope of annual disposal special assessments; discount for early payment; delinquency.*—

(a) *The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated or capable of being generated as determined by the Authority on each such parcel of improved real property during the ensuing fiscal year.*

(b) *The annual disposal special assessments shall be imposed against the owners of all improved real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before September 1 prior to the fiscal year in which the annual disposal special assessments are imposed.*

(c) *The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.*

(d) *The annual disposal special assessments shall be due and payable 30 days after the mailing of the original annual disposal special assessments billing. On all annual disposal special assessments imposed and collected, discounts for early payment thereof shall be at the rate of 4 percent in the month of November and at any time within 30 days after the mailing of the original annual disposal special assessments billings; 3 percent in the month of December; 2 percent in the month of January; and 1 percent in the month of February. The annual disposal special assessments paid in March shall be without discount. The annual disposal special assessments shall become delinquent if not fully paid by*

*March 31 of the fiscal year for which the annual disposal special assessments are imposed. All delinquent annual disposal special assessments shall bear an initial penalty of 3 percent of the full amount of the annual disposal special assessments if not paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and an additional penalty of 1 percent per month on the delinquent principal amount on the first day of June and on the first day of each month thereafter until the annual disposal special assessments are paid in full.*

(5) *Annual disposal special assessments shall constitute a lien on improved real property.*—All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of October 1 of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or barred by law, the annual disposal special assessments shall be prior to all other liens, except that such liens shall be on parity with a lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to section 159.17, Florida Statutes. If any annual disposal special assessment liens become delinquent by not being fully paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments, including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed, and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. Said notice of lien shall be recorded in the public records of the county on or about September 30 of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine. A copy of the notice of lien shall be served on the owner of record as provided in section 713.18, Florida Statutes, within 10 days after the notice of lien is recorded.

(6) *Notification and payment of annual disposal special assessments; discharge of recorded liens.*—The Authority shall collect the payment of all current or delinquent annual disposal special assessments from November 1 of the fiscal year for which the annual disposal special assessments are imposed until paid or satisfied as herein provided. The Authority shall mail notices of the annual disposal special assessments to the owners of each parcel of improved real property in the manner and containing the information as follows:

(a) *The first notice shall be mailed on or about November 1 of each fiscal year to all owners, and such notice shall contain the amount of the annual disposal special assessments for the then-current fiscal year and a schedule of the discounts available to the owners for early payments. Such notice shall further advise the owners that failure to pay the annual disposal special assessments in a timely manner may result in a loss of title.*

(b) *The second notice shall be mailed on or about March 31 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments, and such notice shall contain a schedule of the initial penalty for nonpayment and shall further advise the owner that a notice of lien will be filed by the Authority against that parcel of improved real property on the public records of the county provided for that purpose. However, if such annual disposal special assessments, together with any penalties thereon, are received prior to September 30 of the fiscal year for which the annual disposal special assessments were levied, then such notice of lien will not be filed. Such notice shall further advise the owners that failure to pay the annual disposal special assessments in a timely manner may result in a loss of title.*

(c) *The third notice shall be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments, and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1 and thereafter.*

*In addition to the collection of any penalties, the Authority shall recover from the owner any cost that may be incurred in connection with such*

delinquent payments. When any such lien or liens have been fully paid or discharged, the Authority shall properly cause evidence of the satisfaction and discharge of such lien to be provided. Said lien or liens shall not be assigned by the Authority to any person.

(7) *Enforcement of delinquent annual disposal special assessments.*—All delinquent annual disposal special assessment liens may be enforced at any time by the Authority at least 30 days subsequent to the date of the service of the notice of lien for the amount due under such recorded liens, including all penalties, plus costs and a reasonable attorney's fee, by proceeding in a court of equity to foreclose such liens in the manner in which a mortgage lien is foreclosed under the laws of Florida, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. It shall be lawful to join in any complaint or foreclosure, or any such legal proceeding, any one or more lots or parcels of land that are the subject of a lien or liens. The Authority is authorized and directed to execute and deliver, upon request, a written certification certifying the amount, including all penalties, plus costs, due for delinquent annual disposal special assessments or under any recorded liens for any parcel of real property, or certifying that no such annual disposal special assessments are due, except current and nondelinquent annual disposal special assessments.

(8) *Calculation of annual disposal special assessments.*—

(a) *Based upon the rate resolution, the Authority shall cause to be prepared an annual disposal special assessment roll. Such annual disposal special assessment roll shall contain a summary description of each parcel of improved real property within the county on or before September 1 prior to the fiscal year for which the annual disposal special assessments are to be imposed, the name and address of the owner of each parcel of improved real property, the rate applicable to each parcel of improved real property as specified in the rate resolution, and the amount of the annual disposal special assessments applicable to each parcel of improved real property. The summary description of each parcel of improved real property shall be in such detail as to permit ready identification of each parcel on the real property records. The information specified above to be included in the annual disposal special assessment roll shall conform to that maintained by the property appraiser on the real property records.*

(b) *Upon completion of the preparation of the annual disposal special assessment roll, the Authority shall at any regular or special meeting review the annual disposal special assessment roll for preparation in conformity with the rate resolution. The Authority shall make such changes or additions as necessary to conform such annual disposal special assessment roll to the rate resolution. If, upon the completion of such review, the Authority shall be satisfied that the annual disposal special assessment roll has been prepared in conformity with the rate resolution, the Authority shall ratify and confirm the annual disposal special assessment roll and certify that the annual disposal special assessment roll is correct and proper and is to be used in collecting the annual disposal special assessments.*

(c) *On or before October 1 of the fiscal year for which the annual disposal special assessment roll is confirmed, the Authority shall cause to be prepared an addendum to the annual disposal special assessment roll containing the addition or deletion of any parcels of improved real property not incorporated into or deleted from the annual disposal special assessment roll but constituting improved real property on September 1 prior to the fiscal year for which the annual disposal special assessments are imposed. Included in such addendum shall be any change in the information specified for each parcel of improved real property on the annual disposal special assessment roll. Such addendum to the annual disposal special assessment roll shall contain information required for the annual disposal special assessment roll and shall be reviewed by the authority and certified as the annual disposal special assessment roll of the Authority.*

*Section 8. Collection of annual disposal special assessments by tax collector; alternative method of levy and collection.*—The Authority may, to the extent permitted by law, utilize the office of the tax collector for the purpose of collecting the annual disposal special assessments imposed under this act. The Authority may, in connection with the collection of the

*annual disposal special assessments, proceed in the manner set forth in this section as an alternative to that set forth in section 7 of this charter, or as provided by chapter 197, Florida Statutes, as it may be amended from time to time. In the event the Authority chooses to follow the method of collection set forth in this section, it must first enter into written agreements with the property appraiser and the tax collector to perform the duties as outlined in this section. Said agreements shall be entered into voluntarily and at the sole options of the property appraiser and the tax collector, and shall provide for reimbursement to them of all costs associated with their duties hereunder.*

(1) *Purpose.*—It is the purpose of this section to provide for an additional and alternative, but in no event exclusive, method and procedure for the collection of annual disposal special assessments from the owners of all improved real property in both the incorporated and unincorporated areas of the county, in the same manner as the collection of ad valorem taxes by the county and through the tax bill issued by the tax collector.

(2) *Determination of annual disposal special assessments; public hearing.*—On or before July 30 of each year, or such other date as may be specified by chapter 197, Florida Statutes, the Authority shall hold a public hearing for the following purposes:

(a) *To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year, including moneys for the payment of the principal and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefrom, for the payment of necessary reserves for capital expenditures and the renovation, improvements, and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments, and for the payment of the current operation and maintenance of the solid waste system.*

(b) *To adopt a rate resolution incorporating a schedule of annual disposal special assessments to be imposed upon the owners of all improved real property in both the incorporated and unincorporated areas of the county to establish the classification of the use of such parcel or parcels of improved real property in order to provide the revenues to fund the budget referred to in paragraph (a). Such rate resolution adopted at the public hearing shall further authorize the collection of the annual disposal special assessments in the same manner as the collection of ad valorem taxes by the county and through the utilization of the office of the tax collector of the county.*

*Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice, with the first publication being at least 20 days prior to the public hearing. Additional notice shall also be provided to each affected property owner by first class mail of both the potential for loss of his or her title through the use of the ad valorem collection method and the time and place of said public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.*

(3) *Scope of annual disposal special assessments.*—

(a) *The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated on each such parcel of improved real property during the ensuing fiscal year.*

(b) *The annual disposal special assessments shall be imposed against the owners of all real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before January 1 prior to the fiscal year in which the annual disposal special assessments are imposed.*

(c) *The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.*

(4) *Enforcement and collection.*—The annual disposal special assessments shall be due and payable on November 1 of each year or at

such other times as prescribed by the amended tax bill. Such annual disposal special assessments shall be collected and enforced by the tax collector in the same manner that ad valorem taxes are collected, including, but not limited to, provisions of law relating to discount for early payment, prepayment by installment method, and penalty for delinquent payment.

(5) Annual disposal special assessments shall constitute a lien on improved real property.—All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of October 1 of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or barred by law, the annual disposal special assessments shall remain liens equal in rank and dignity with the lien of the county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the real property involved. If any annual disposal special assessment liens become delinquent by not being fully paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments, including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed, and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. The Authority shall cause to be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments a notice of intention to file lien, and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1 and thereafter and a notice that a lien will be filed if not paid on or before September 30. If the assessment is not paid, a notice of lien shall be recorded in the public records of the county on or about September 30 of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine.

(6) Payment of annual disposal special assessments.—It shall be the duty of the tax collector, pursuant to law, to collect payments of all annual disposal special assessments referred to in this section. The tax collector shall distribute the annual disposal special assessments so collected to the Authority at the times and in the manner provided by law. The tax collector shall mail to all owners of improved real property such notices as are required by law.

(7) Enforcement of delinquent annual disposal special assessments.—All delinquent annual disposal special assessment liens may be enforced by the Authority in the manner provided by law.

(8) Certification to property appraiser and tax collector.—

(a) Upon adoption by the Authority of the rate resolution provided herein, the Authority shall forthwith deliver a certified copy of the rate resolution to the property appraiser and tax collector. Based upon said rate resolution and pursuant to written contracts between the Authority and the property appraiser and the Authority and the tax collector, the property appraiser shall include the annual disposal special assessments on the tax notice issued pursuant to section 197.3635, Florida Statutes, or any successor laws, and the tax collector shall collect the annual disposal special assessments as provided by law.

(b) Nothing contained in this section shall be construed or interpreted to preclude the Authority from submitting, within its discretion, a separately prepared notice of the annual disposal special assessments imposed on certain improved real property to the owner of such property if, in the opinion of the Authority, such procedure shall facilitate the billing and collection of such annual disposal special assessments, which notice shall be in addition to the notice submitted by the property appraiser.

(9) Additional proceedings.—The Authority shall conform with and shall do and provide such additional proceedings as may be necessary to enable the Authority to collect the annual disposal special assessments in the same manner as the collection of ad valorem taxes of the county and

through the utilization of the office of the tax collector to the extent that the general law relating to the method of collection shall require further and additional notices or other proceedings of the Authority.

Section 9. Annual disposal special assessments to governmental agencies; applicability of annual disposal special assessments to tax-exempt improved real property.—

(1)(a) The Authority shall bill all governmental agencies owning improved real property within both the incorporated and unincorporated areas of the county and said governmental agencies shall pay the annual disposal special assessments imposed under the applicable classification specified in the rate resolution.

(b) The discounts for early payment shall not be applicable to the annual disposal special assessments imposed against governmental agencies owning real property. Such governmental agencies shall pay in the manner provided herein the full annual disposal special assessments imposed.

(c) The annual disposal special assessments imposed against governmental agencies shall become delinquent if not fully paid within 60 days from the date the notice of such annual disposal special assessments is mailed. All delinquent annual disposal special assessments shall bear an initial penalty of 4 percent of the full amount of the annual disposal special assessments if not paid by the expiration of the 60-day period and an additional penalty of 1 percent per month on the delinquent amount, plus the initial penalty, on the first day of each month thereafter until said annual disposal special assessments are paid in full.

(d) The Authority shall have the authority to enforce the collections of any delinquent annual disposal special assessments by the institution of an appropriate action against the governmental agency in a court of competent jurisdiction for a judgment for the amount due under such annual disposal special assessments, including all penalties, plus costs and a reasonable attorney's fee.

(e) The provisions of paragraphs (5), (6), and (7) of section 7 of this charter and paragraphs (5) and (6) of section 8 of this charter shall not be applicable to the annual disposal special assessments imposed against improved real property owned by any governmental agency.

(2) Applicability of annual disposal special assessments to tax-exempt improved real property.—The tax exemption of property form taxation under chapter 196, Florida Statutes, or any other law or constitutional provision shall not relieve the owner of any improved real property in the county from the provisions hereof or from the imposition by the Authority of the annual disposal special assessments applicable to such improved real property as specified in the rate resolution.

Section 10. Limitations on franchises.—The Authority shall adopt by resolution a procedure for granting exclusive franchises, subject to the following limitations:

(1) No franchise, contract, or permit shall be granted or extended for a period of time exceeding 5 years.

(2) A public hearing shall be held prior to the adoption of any rates, fees, or charges to the public.

(3) No exclusive franchise shall be granted except pursuant to a procedure adopted by the Authority which shall include the following minimum requirements:

(a) The entire process shall comply with chapter 286, Florida Statutes.

(b) The procedure shall encourage competition among potential franchisees.

(c) The franchise award shall occur at a regular meeting of the Authority and shall be confirmed by a subsequent resolution, which shall contain sufficient findings to demonstrate that the award was in the best interest of the public to be served thereby.

(d) Any party aggrieved by the franchise award may appeal the award in writing, within 30 days after the award, to the Authority, which shall decide said appeal by written order within 60 days after its receipt by the Authority. An unsuccessful appellant may thereafter appeal the Authority's decision by writ of certiorari to the circuit court.

**Section 11. Exemption from taxation.**—The property, moneys, and other assets of any countywide authority created hereunder and all of its revenues or other income shall be exempt from all taxation, licenses, fees, or other charges of any kind imposed by the state or by the county or by any municipality, political subdivision, taxing district, or other public agency or body of the state.

**Section 12. Prohibition; permits; penalty.**—

(1) It is unlawful to violate this act or the rules duly adopted pursuant to it. After the effective date of this act, no person shall:

(a) Place or deposit any solid waste in or on the lands or waters located within the county except in a manner consistent with the countywide solid waste program.

(b) Burn solid waste except in a manner consistent with the countywide solid waste program.

(c) Accomplish or authorize any act inconsistent with the provisions of this act and those of chapter 403, Florida Statutes.

(2) No person shall operate, maintain, construct, expand, or modify any resource recovery or waste management facility without first having applied for and received a valid operating permit from the Authority.

(3) Any person found in violation of any provision of this act or any rules adopted pursuant to it commits a misdemeanor of the second degree and shall be punished as provided by law. If such violation be continuing, each 24-hour day or fraction thereof during which such violation occurs shall constitute a separate offense.

**Section 13. Enforcement.**—The director of the Palm Beach County Health Department shall determine compliance with the provisions of this act which relate to sanitary collection, storage, processing, and disposal of solid waste, in accordance with the provisions of Palm Beach County Environmental Control Ordinance No. 78-5 and any amendments thereto. Any and all violations shall be reported in writing and a copy of the official inspection report shall be presented to the violator and a copy of said inspection report shall also be delivered to the executive director of the Authority.

(1) If any resource recovery or management facility fails to comply with the provisions of the rules adopted by the department or the Authority pursuant to chapter 403, Florida Statutes, or under this act, the director of the Palm Beach County Health Department shall give the violator a reasonable time, by formal notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the director of the Palm Beach County Health Department shall notify the environmental control officer, in writing, of such failure to correct the violation.

(2) Upon notice of the director of the Palm Beach County Health Department that a resource recovery or waste management facility has failed to correct violations, the environmental control officer shall notify the Palm Beach County Environmental Control Hearing Board of such noncompliance, whereupon the hearing board shall, within 45 days after such notice, order the violator to appear before it to show cause why remedial action should not be taken. Any meetings before the hearing board shall be conducted in accordance with the provisions of Palm Beach County Environmental Control Ordinance No. 78-5 and any amendments thereto.

(3) If, after due public hearing, the hearing board upholds the violation, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues presented. The decision shall contain an order framed in the manner of a writ of injunction requiring the violator to refrain from committing, creating, maintaining, or permitting the violation and take such

affirmative action as the hearing board deems reasonable and necessary under the circumstances to correct such violation.

**Section 14. Injunctive relief.**—If preventive or corrective measures are not taken in accordance with any order of the hearing board, or if the environmental control officer finds that a violation of the provisions of this act exists so as to create an emergency requiring immediate action to protect human health or welfare, the environmental control officer may institute proceedings in the Circuit Court for Palm Beach County to enforce this act or rules or orders pursuant thereto. Such injunctive relief may include both temporary and permanent injunctions. Any proceedings initiated under this section shall be brought for and in the name of the Authority.

**Section 15. Judicial review.**—Any person aggrieved by any action or decision of the hearing board may seek appropriate judicial review.

**Section 4.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

**Section 5.** This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

**Section 6.** Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-462, Laws of Florida, are repealed.

**Section 7.** This act shall take effect upon becoming a law.

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

On motion by Rep. Machek, the rules were waived and HB 945, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 975**—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 6, ch. 67-2070, Laws of Florida, as amended; providing additional powers and duties of the authority; requiring the authority to maintain confidentiality of records made confidential pursuant to general law; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 200159)

**Amendment 1 (with title amendment)**—On page 5, lines 3-14, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 9-14, remove from the title of the bill: all of said lines

and insert in lieu thereof: jurisdiction of the authority; amending s. 4, ch.

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

On motion by Rep. Spratt, the rules were waived and HB 975, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1037**—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1041**—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 751027)

**Amendment 1**—On page 1, lines 27-31 through page 2, lines 1-4 remove from the bill: all of said lines

and insert in lieu thereof:

Section 2. *This act constitutes the codification of County resolutions adopted June 8, 1949, July 12, 1949, June 24, 1957, June 3, 1959, and Resolution Number 89-07-12, adopted by the Board of County Commissioners of Lee County, Florida, relating to the Fort Myers Beach Mosquito Control District. Chapters 57-2059, 61-2394, 65-1820, 67-1630, 72-598, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of*

Florida, as said laws relate to the Fort Myers Beach Mosquito Control District, are hereby codified, reenacted, amended, and repealed as herein provided.

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 754509)

**Amendment 2**—On page 11, lines 26-27, remove from the bill: all of said lines

and insert in lieu thereof:

Section 6. *Chapters 57-2059, 61-2394, 65-1820, 67-1630, 72-598, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of Florida, as said laws relate to*

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

On motion by Rep. Green, the rules were waived and HB 1041, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1115**—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of “District,” “general obligation bonds,” and “revenue bonds”; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to

include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 822181)

**Amendment 1**—On page 20, lines 15-23, remove from the bill: all of said lines

and insert in lieu thereof: *paid, be credited to the District. The Board shall provide for an annual financial audit of the accounts and records of the District and make a report thereof at a regularly scheduled meeting in November of each year.*

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

On motion by Rep. Needelman, the rules were waived and HB 1115, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1183**—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191

and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 842205)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Englewood Area Fire Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, and to conform the charter to chapter 191, Florida Statutes, the Independent Special Fire Control District Act, and other provisions of general law.

Section 2. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, relating to the Englewood Area Fire Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Englewood Area Fire Control District is re-created and reenacted to read:

**ARTICLE I  
PREAMBLE**

Section 1.01. This act establishes a Charter for the Englewood Area Fire Control District, which District was created by chapter 82-381, Laws of Florida. The District shall be deemed created by said chapter for all purposes.

Section 1.02. This act supersedes and repeals all previous special acts relating to the Englewood Area Fire Control District and sets forth within this Charter those matters, as applicable, which are covered by such previous special acts. Amendments to the Charter may be made only by special act of the Legislature. This act shall be construed so as to preserve to the District all powers previously granted.

Section 1.03. This District is organized and exists for all purposes set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time. All provisions of chapters 189 and 191, Florida Statutes, and all power and authority granted thereunder are hereby applicable to the Englewood Area Fire Control District.

**ARTICLE II  
NAME OF DISTRICT**

Section 2.01. The name of the District shall be Englewood Area Fire Control District.

Section 2.02. The District shall be an independent special district of the State of Florida and a body corporate and politic.

**ARTICLE III  
BOUNDARIES OF THE DISTRICT**

Section 3.01. The District shall include the following described lands in Sarasota County and Charlotte County:

*Sarasota County Legal Description: Begin at the intersection of mean high water line of the Gulf of Mexico on the West shore*

*Manasota Key with the North line of Section 5, Twp. 40 S, Range 19E, Sarasota County, Florida: thence Easterly across Manasota Key to the mean high water line of Lemon Bay; thence Southeasterly along the waters of Lemon Bay to the intersection with the Northerly right of way line of the Manasota Beach Road; thence Northeasterly and Easterly along said Northerly right of way line to the West line of Section 10, Twp. 40 S, Range 19E; thence North along said West line of Section 10, Twp. 40 S, Range 19E to the Northwest corner of said section; thence Easterly along the North line of Sections 10, 11 and 12, Twp. 40 S, Range 19E, and continue Easterly along the North line of Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E to the center line of South River Road; thence Southerly and Southwesterly along said center line to the South line of Section 15, Twp. 40 S, Range 20 E and the municipal boundary of the City of North Port. Thence West along the South line of said Section 15 (also the North Port boundary) to the Southwest corner thereof; thence South along the East line of Sections 21 and 28, Twp. 40 S, Range 20 E (also the North Port boundary) to the Southeast corner of said Section 28; thence West along the South line of said Section 28 (also the North Port boundary) to the Northeast corner of the Northwest 1/4 of Section 33, Twp. 40 S, Range 20 E; thence South along the East line of the West 1/2 of Section 33 (also the North Port boundary) to the South line of said Section 33; thence West along the South line of Sections 33, 32 and 31, Twp. 40 S, Range 20 E and continue West along the South line of Sections 36 and 35, Twp. 40 S, Range 19 E, this line being the Sarasota - Charlotte County line to the intersection with the mean high water line of the Gulf of Mexico at the West shoreline of Manasota Key; thence Northerly and Westerly along the mean high water line of the Gulf of Mexico to the intersection with the North line of Section 5, Twp. 40 S, Range 19 E, and the point of beginning.*

And expanding the District boundaries to include the following properties:

*All lots within Blocks 5, 6, 7, 8, 17, 18, 19, 20, 27, 28 and those lots within Blocks 29 and 30 lying north of Manasota Beach Road, as per plat of Manasota Land & Timber Company, as recorded in Plat Book A, Page 63, Sarasota County; the geographical boundaries being described as:*

*Beginning at the intersection of the Manasota Beach Bridge and the Intra coastal waterway (mainland side), thence East along the North side of Manasota Beach Road to Alamander Avenue; thence North along the West side of Alamander Avenue to Belvedere Street; thence West along the South side of Belvedere Street to the Intra-Coastal Waterway; thence South along the East shoreline of the Intra-Coastal Waterway to the intersection of the Manasota Beach Bridge and point of beginning.*

*Charlotte County Legal Description. Beginning at the intersection of the Gulf of Mexico with the North line of Section 2, Twp. 41 S, Range 19 E, Charlotte County, Florida; run Easterly along the North line of said township to the Northeast corner of Section 1, Twp. 41 S, Range 20 E; thence Southerly along the East line of said Range 20 E, to the Northwest corner of Section 6, Twp. 42 S, Range 21 E; thence Easterly along the North line of said Twp. 42, to the Westerly shore of Charlotte Harbor; thence Southerly and Westerly along Charlotte Harbor to Cape Haze; thence Northwesterly to an intersection of the Westerly shore of Turtle Bay with the Northerly shore of Cape Haze - Gasparilla Sound; thence Westerly and Northwesterly along the shores of Cape Haze-Gasparilla Sound, Placida Harbor and Lemon Bay to a point East of Stump Pass; thence Westerly through Stump Pass to an intersection of the Northerly shore of Stump Pass with the Easterly shore of the Gulf of Mexico thence Northwesterly along said shore to the point of beginning.*

**ARTICLE IV  
POWERS OF THE DISTRICT**

Section 4.01. The District Board of Commissioners shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the District to establish, equip, operate, and



*maintain a fire department and rescue service, including, but not limited to, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the District Board to provide adequate protection from unwanted fire and to carry out rescue operations. The District Board shall have the authority to accept gifts or donations of equipment or money for use by the District. The District shall have the authority to purchase, lease, sell, exchange, or otherwise acquire and dispose of property intended for use by the District and to borrow money, issue bonds, and enter into term indebtedness, provided reputable institutions or companies are used and provided all agreements are within the laws of the state. In addition, the District Board shall have the authority to extend its services beyond the District boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.*

*Section 4.02. The District Board shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the District Board. The District Board shall also have the authority to promulgate rules and regulations related to fire prevention and life safety.*

*Section 4.03. The duties and powers of the Board of Commissioners and the District shall be as set forth in this act and in chapter 191, Florida Statutes, as they may be amended from time to time.*

#### ARTICLE V GOVERNING BOARD

*Section 5.01. In accordance with section 191.005, Florida Statutes, the business and affairs of the District shall be conducted and administered by a five-member Board of Fire Commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the District in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405, Florida Statutes. Each member of the Board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.*

*Section 5.02. The office of each Board member is designated as a seat on the District, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate at the time he or she qualifies the seat on the Board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the Board.*

*Section 5.03. In accordance with chapter 191, Florida Statutes, each member of the Board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.*

*Section 5.04. Each elected member shall assume office 10 days following the member's election. Annually, within 60 days after the newly elected members have taken office, the Board shall organize by electing from its members a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member.*

*Section 5.05. Members of the Board may each be paid a salary or an honorarium to be determined by at least a majority plus one vote of the Board pursuant to chapter 191, Florida Statutes. In addition, members may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.*

*Section 5.06. If a vacancy occurs on the Board due to the resignation, death, or removal of a Board member or the failure of anyone to qualify for a Board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any.*

*Section 5.07. The procedures for conducting District elections or referenda or for qualification of electors shall be pursuant to chapters 189 and 191, Florida Statutes.*

*Section 5.08. The Board shall have those administrative duties set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.*

*Section 5.09. Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 191, and 286, Florida Statutes, as they may be amended from time to time.*

*Section 5.10. The District's planning requirements shall be as set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.*

#### ARTICLE VI FINANCES

*Section 6.01. The District shall have the right, power, and authority to levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, against the taxable real estate lying within the territorial boundaries of the District in order to provide funds for the purpose of the District. The rate of such assessments shall be fixed annually by a resolution of the Board of Commissioners after conducting a public hearing. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of sections 197.363 through 197.3635, Florida Statutes.*

*Section 6.02. The methods for assessing and collecting non-ad valorem assessment fees or service charges shall be as set forth in chapter 170, chapter 189, chapter 191, or chapter 197, Florida Statutes, as any of these may be amended from time to time. In setting assessment rates, the Commissioners shall consider the size of the property, the fire hazard it presents, and the protection provided.*

*Section 6.03. For assessment purposes, all property within the District shall have the following general classifications:*

- (1) *Business and/or Commercial.*
- (2) *Single-family residence.*
- (3) *Duplex residence (2-family).*
- (4) *All other multifamily buildings, including condominium and cooperative building or apartment central building.*
- (5) *Unimproved subdivided lots.*
- (6) *Unsubdivided acreage.*
- (7) *Residential trailer space in rental trailer parks.*
- (8) *Rental travel space.*

*Section 6.04. The rate of such annual assessments for protection against fire and the furnishing of rescue service shall be fixed annually by a resolution of the Board of Fire Commissioners. The assessments may be increased as provided in chapter 191, Florida Statutes, provided the Board shall determine that such increase is necessary in order to properly carry out the purposes of the District. No increase in excess of that provided in chapter 191, Florida Statutes, shall be permitted unless and until the Board holds the required referendum for increasing said assessments. The District must establish that the increased assessment rate in excess of that amount allowed by statute does not exceed the benefits derived from the furnishing of the services. Any such assessment shall be made only when there has been competent substantial evidence presented to the District establishing that such an adjustment in the rate is necessary in order for the District to properly carry out its purposes and establishing that the proposed increase in assessments will not exceed the benefits. In accordance with section 191.011, Florida Statutes, the procedure for increasing the annual assessment rate in excess of that allowed under chapter 191 shall be as follows:*

(1) *Presentation to the Board of competent substantial evidence establishing that the increase in the maximum rate of assessments is necessary in order to carry out the purposes of the District and further establishing that said assessments as increased will not exceed the benefits accruing to the property within the District.*

(2) *Adoption of a resolution setting forth findings of fact and establishing the necessity for the increase in assessment rates, and said resolution shall provide for the calling of a referendum election wherein*

the question of whether to increase the assessments as recommended by the Board shall be approved.

(3) Provided the maximum increase for rate of assessment in chapter 191, Florida Statutes is exceeded, a referendum election shall be held pursuant to the general law governing special elections in the state and, upon certification of the return of the election, the rate of assessment shall be deemed amended if approved by a majority vote of the electors voting in said election.

Section 6.05. Assessments shall be a lien upon the land so assessed, along with the county taxes assessed against the same until said assessments and taxes have been paid and, if the same becomes delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

Section 6.06. The Board shall establish a schedule of impact fees in accordance with section 191.009(4), Florida Statutes, and with any standard set by general law for new construction to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the District under this section shall be kept separate from the revenues of the District and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. As used in this section, "new facilities" means lands, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radio telemetry equipment, and other firefighting or rescue equipment. The Board shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or new equipment. The Board may enter into agreements with general-purpose local governments to share in the revenue from fire protection impact fees imposed by such governments. For impact fee purposes, all property within the District shall have the classification of residential or commercial.

Section 6.07. The Board may provide a reasonable schedule of charges for special emergency services, including firefighting occurring in or to structures outside the District, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels to which the District is called to render emergency service, and may charge a fee for the services rendered in accordance with the schedule developed and pursuant to chapter 191.009(3), Florida Statutes.

Section 6.08. The District may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements authorized to be undertaken under this act or under general or special law, provided the total annual payments for the principal and interest of such indebtedness do not exceed 50 percent of the total annual budgeted revenues of the District as provided in section 191.012, Florida Statutes.

ARTICLE VII  
MISCELLANEOUS

Section 7.01. All contracts, obligations, rules, regulations, or policies of any nature existing on the date of enactment of this act shall remain in full force and effect and this act shall in no way affect the validity of such contracts, obligations, rules, regulations, or policies.

Section 7.02. This act shall not affect the terms of office of the present District Board, nor shall it affect the terms and conditions of employment of any employees of the District.

Section 4. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and

independent provision and such holdings shall not affect the validity of the remaining portions of this act.

Section 6. This act shall be construed as a remedial act and the provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public health, welfare, and safety of the citizens served by the District.

Section 7. All laws or part of laws in conflict herewith are, to the extent of such conflict, repealed.

Section 8. This act shall take effect upon becoming a law.

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

On motion by Rep. Paul, the rules were waived and HB 1183, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1815**—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of "disciplinary action"; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|           |         |            |           |
|-----------|---------|------------|-----------|
| The Chair | Allen   | Argenziano | Attkisson |
| Alexander | Andrews | Arza       | Atwater   |

|                     |             |             |            |
|---------------------|-------------|-------------|------------|
| Ausley              | Diaz-Balart | Jordan      | Paul       |
| Baker               | Dockery     | Joyner      | Peterman   |
| Ball                | Farkas      | Justice     | Prieguez   |
| Barreiro            | Fasano      | Kallinger   | Rich       |
| Baxley              | Fields      | Kendrick    | Richardson |
| Bean                | Fiorentino  | Kilmer      | Ritter     |
| Bendross-Mindingall | Flanagan    | Kosmas      | Romeo      |
| Bennett             | Frankel     | Kottkamp    | Ross       |
| Bense               | Gannon      | Kravitz     | Rubio      |
| Benson              | Garcia      | Kyle        | Russell    |
| Berfield            | Gardiner    | Lee         | Ryan       |
| Betancourt          | Gelber      | Lerner      | Seiler     |
| Bilirakis           | Gibson      | Littlefield | Simmons    |
| Bowen               | Goodlette   | Lynn        | Siplin     |
| Brown               | Gottlieb    | Machek      | Slosberg   |
| Brummer             | Green       | Mack        | Smith      |
| Brutus              | Greenstein  | Mahon       | Sobel      |
| Bucher              | Haridopolos | Mayfield    | Sorensen   |
| Bullard             | Harper      | Maygarden   | Spratt     |
| Byrd                | Harrington  | McGriff     | Stansel    |
| Cantens             | Hart        | Meadows     | Trovillion |
| Carassas            | Henriquez   | Mealor      | Wallace    |
| Clarke              | Heyman      | Melvin      | Waters     |
| Cusack              | Hogan       | Miller      | Weissman   |
| Davis               | Holloway    | Murman      | Wiles      |
| Detert              | Jennings    | Needelman   | Wilson     |
| Diaz de la Portilla | Johnson     | Negron      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1851**—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Bullard             | Haridopolos | Mahon      |
| Alexander           | Byrd                | Harper      | Mayfield   |
| Allen               | Cantens             | Harrington  | Maygarden  |
| Andrews             | Carassas            | Hart        | McGriff    |
| Argenziano          | Clarke              | Henriquez   | Meadows    |
| Arza                | Cusack              | Heyman      | Mealor     |
| Attkisson           | Davis               | Hogan       | Melvin     |
| Atwater             | Detert              | Holloway    | Miller     |
| Ausley              | Diaz de la Portilla | Jennings    | Murman     |
| Baker               | Diaz-Balart         | Johnson     | Needelman  |
| Ball                | Dockery             | Jordan      | Negron     |
| Barreiro            | Farkas              | Joyner      | Paul       |
| Baxley              | Fasano              | Justice     | Peterman   |
| Bean                | Fields              | Kallinger   | Prieguez   |
| Bendross-Mindingall | Fiorentino          | Kendrick    | Rich       |
| Bennett             | Flanagan            | Kilmer      | Richardson |
| Bense               | Frankel             | Kosmas      | Ritter     |
| Benson              | Gannon              | Kottkamp    | Romeo      |
| Berfield            | Garcia              | Kravitz     | Ross       |
| Betancourt          | Gardiner            | Kyle        | Rubio      |
| Bilirakis           | Gelber              | Lee         | Russell    |
| Bowen               | Gibson              | Lerner      | Ryan       |
| Brown               | Goodlette           | Littlefield | Seiler     |
| Brummer             | Gottlieb            | Lynn        | Simmons    |
| Brutus              | Green               | Machek      | Siplin     |
| Bucher              | Greenstein          | Mack        | Slosberg   |

|          |            |          |         |
|----------|------------|----------|---------|
| Smith    | Spratt     | Wallace  | Wiles   |
| Sobel    | Stansel    | Waters   | Wilson  |
| Sorensen | Trovillion | Weissman | Wishner |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1855**—A bill to be entitled An act relating to the Holiday Park Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 690877)

**Amendment 1**—On page 2, line 10, remove from the bill: all of said line

and insert in lieu thereof: *a park and recreation district, being an independent special taxing*

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

On motion by Rep. Detert, the rules were waived and HB 1855, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1857**—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 714377)

**Amendment 1**—On page 1, line 31, remove from the bill: all of said line

and insert in lieu thereof: *into and as a park and recreation district, being an independent special*

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

On motion by Rep. Clarke, the rules were waived and HB 1857, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1859**—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Goodlette, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1887**—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 950725)

**Amendment 1**—On page 1, line 17, remove from the bill: said line

and insert in lieu thereof: *Okaloosa Fire District of the special act codifying the county ordinances and creating the charter*

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 462677)

**Amendment 2**—On page 2, lines 24 and 25, remove from the bill: all of said lines

and insert in lieu thereof: House Bill 979, relating to North Okaloosa Fire District takes effect, if it is

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

On motion by Rep. Melvin, the rules were waived and HB 1887, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1897**—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 282095)

**Amendment 1**—On page 1, line 21, remove from the bill: all of said line

and insert in lieu thereof: the *Emerald Coast Fort Walton Beach Area Bridge Authority, formerly known as the Fort Walton Beach Area Bridge Authority*, for

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 792019)

**Amendment 2**—On page 3, line 16, remove from the bill: engineer

and insert in lieu thereof: *secretary engineer*

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 500075)

**Amendment 3**—On page 5, line 5, remove from the bill: all of said line

and insert in lieu thereof:

Section 4. Powers.—The *Fort Walton Beach Area Bridge Authority, now known as the Emerald Coast Bridge Authority*, authority has all power and

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

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 353797)

**Amendment 4 (with title amendment)**—On page 9, lines 19-20, of the bill

insert:

Section 6. *Nothing in this act shall abrogate the authority's obligations and liabilities.*

And the title is amended as follows:

On page 1, line 12, after the semicolon,

and insert in lieu thereof: providing that this act does not abrogate current obligations and liabilities;

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

On motion by Rep. Melvin, the rules were waived and HB 1897, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Byrd                | Harrington  | McGriff    |
| Alexander           | Cantens             | Hart        | Meadows    |
| Allen               | Carassas            | Henriquez   | Mealor     |
| Andrews             | Clarke              | Heyman      | Melvin     |
| Argenziano          | Cusack              | Hogan       | Miller     |
| Arza                | Davis               | Holloway    | Murman     |
| Attkisson           | Detert              | Jennings    | Needelman  |
| Atwater             | Diaz de la Portilla | Johnson     | Negron     |
| Ausley              | Diaz-Balart         | Jordan      | Paul       |
| Baker               | Dockery             | Joyner      | Peterman   |
| Ball                | Farkas              | Justice     | Prieguez   |
| Barreiro            | Fasano              | Kallinger   | Rich       |
| Baxley              | Fields              | Kendrick    | Richardson |
| Bean                | Fiorentino          | Kilmer      | Ritter     |
| Bendross-Mindingall | Flanagan            | Kosmas      | Romeo      |
| Bennett             | Frankel             | Kottkamp    | Ross       |
| Bense               | Gannon              | Kravitz     | Rubio      |
| Benson              | Garcia              | Kyle        | Russell    |
| Berfield            | Gardiner            | Lee         | Ryan       |
| Betancourt          | Gelber              | Lerner      | Seiler     |
| Bilirakis           | Gibson              | Littlefield | Simmons    |
| Bowen               | Goodlette           | Lynn        | Siplin     |
| Brown               | Gottlieb            | Machek      | Slosberg   |
| Brummer             | Green               | Mack        | Smith      |
| Brutus              | Greenstein          | Mahon       | Sobel      |
| Bucher              | Haridopolos         | Hayfield    | Sorensen   |
| Bullard             | Harper              | Maygarden   | Spratt     |

|            |         |          |         |
|------------|---------|----------|---------|
| Stansel    | Wallace | Weissman | Wilson  |
| Trovillion | Waters  | Wiles    | Wishner |

Nays—None

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

**HB 1899**—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 092267)

**Amendment 1**—On page 1, lines 13-18, remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. *Within 500 feet of the shoreline of Grass Island (state identification 606121) watercraft must proceed at idle speed. The Marion County Commissioners shall erect signs within the area designated by this act; such signs*

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

On motion by Rep. Baxley, the rules were waived and HB 1899, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Carassas            | Hogan       | Needelman  |
| Alexander           | Clarke              | Holloway    | Negron     |
| Allen               | Cusack              | Jennings    | Paul       |
| Andrews             | Davis               | Johnson     | Peterman   |
| Argenziano          | Detert              | Jordan      | Prieguez   |
| Arza                | Diaz de la Portilla | Joyner      | Rich       |
| Attkisson           | Diaz-Balart         | Justice     | Richardson |
| Atwater             | Dockery             | Kallinger   | Ritter     |
| Ausley              | Farkas              | Kendrick    | Romeo      |
| Baker               | Fasano              | Kilmer      | Ross       |
| Ball                | Fields              | Kosmas      | Rubio      |
| Barreiro            | Fiorentino          | Kottkamp    | Russell    |
| Baxley              | Flanagan            | Kravitz     | Ryan       |
| Bean                | Frankel             | Kyle        | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harper              | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 1903**—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

—was read the second time by title. On motion by Rep. Melvin, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 9000

Yeas—114

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Paul       |
| Alexander           | Cusack              | Jennings    | Peterman   |
| Allen               | Davis               | Johnson     | Prieguez   |
| Andrews             | Detert              | Jordan      | Rich       |
| Argenziano          | Diaz de la Portilla | Joyner      | Richardson |
| Arza                | Diaz-Balart         | Justice     | Ritter     |
| Attkisson           | Dockery             | Kallinger   | Romeo      |
| Atwater             | Farkas              | Kendrick    | Ross       |
| Ausley              | Fasano              | Kilmer      | Rubio      |
| Baker               | Fields              | Kosmas      | Russell    |
| Ball                | Fiorentino          | Kottkamp    | Ryan       |
| Barreiro            | Flanagan            | Kravitz     | Seiler     |
| Baxley              | Frankel             | Kyle        | Simmons    |
| Bean                | Gannon              | Lee         | Siplin     |
| Bendross-Mindingall | Garcia              | Lerner      | Slosberg   |
| Bennett             | Gardiner            | Littlefield | Smith      |
| Bense               | Gelber              | Lynn        | Sobel      |
| Benson              | Gibson              | Machek      | Sorensen   |
| Berfield            | Goodlette           | Mack        | Spratt     |
| Betancourt          | Gottlieb            | Mahon       | Stansel    |
| Bilirakis           | Green               | Mayfield    | Trovillion |
| Bowen               | Greenstein          | Maygarden   | Wallace    |
| Brummer             | Haridopolos         | McGriff     | Waters     |
| Brutus              | Harper              | Meadows     | Weissman   |
| Bucher              | Harrington          | Mealor      | Wiles      |
| Bullard             | Hart                | Melvin      | Wilson     |
| Byrd                | Henriquez           | Murman      | Wishner    |
| Cantens             | Heyman              | Needelman   |            |
| Carassas            | Hogan               | Negron      |            |

Nays—2

|       |        |
|-------|--------|
| Brown | Miller |
|-------|--------|

So the bill passed and was immediately certified to the Senate.

**Continuation of Bill Subject to Special Rule**

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.;

conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Smith to adopt Amendment 2.

The question recurred on the adoption of **Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 159

Yeas—44

|                     |            |            |          |
|---------------------|------------|------------|----------|
| Ausley              | Gelber     | Kosmas     | Ryan     |
| Bean                | Gottlieb   | Lee        | Seiler   |
| Bendross-Mindingall | Greenstein | Lerner     | Siplin   |
| Betancourt          | Harper     | Machek     | Slosberg |
| Brutus              | Henriquez  | McGriff    | Smith    |
| Bucher              | Heyman     | Meadows    | Sobel    |
| Bullard             | Holloway   | Peterman   | Stansel  |
| Cusack              | Jennings   | Rich       | Weissman |
| Fields              | Joyner     | Richardson | Wiles    |
| Frankel             | Justice    | Ritter     | Wilson   |
| Gannon              | Kendrick   | Romeo      | Wishner  |

Nays—72

|           |                     |             |             |
|-----------|---------------------|-------------|-------------|
| The Chair | Bowen               | Flanagan    | Kyle        |
| Alexander | Brown               | Garcia      | Lacasa      |
| Allen     | Brummer             | Gardiner    | Littlefield |
| Andrews   | Byrd                | Gibson      | Lynn        |
| Arza      | Cantens             | Goodlette   | Mack        |
| Attkisson | Carassas            | Green       | Mahon       |
| Atwater   | Clarke              | Haridopolos | Mayfield    |
| Baker     | Crow                | Harrington  | Maygarden   |
| Ball      | Davis               | Hart        | Mealor      |
| Barreiro  | Detert              | Hogan       | Melvin      |
| Baxley    | Diaz de la Portilla | Johnson     | Miller      |
| Bennett   | Diaz-Balart         | Jordan      | Murman      |
| Bense     | Dockery             | Kallinger   | Needelman   |
| Benson    | Farkas              | Kilmer      | Negron      |
| Berfield  | Fasano              | Kottkamp    | Paul        |
| Bilirakis | Fiorentino          | Kravitz     | Prieguez    |

|       |         |            |         |
|-------|---------|------------|---------|
| Ross  | Russell | Sorensen   | Wallace |
| Rubio | Simmons | Trovillion | Waters  |

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1323**—A bill to be entitled An act relating to rulemaking authority of the Department of State; amending s. 99.061, F.S.; authorizing the department to prescribe by rule the requirements for filing candidate qualifying papers; amending s. 101.161, F.S.; requiring the designating number for constitutional amendments to be in accordance with rules adopted by the department; amending s. 101.62, F.S.; authorizing the department to adopt rules for the preparation and mailing of absentee ballots to overseas electors; amending s. 106.07, F.S.; authorizing the department to prescribe by rule the requirements for the filing of campaign treasurer's reports; amending s. 106.22, F.S.; authorizing the department to adopt rules for the filing and investigation of voter fraud complaints; amending s. 106.23, F.S.; requiring requests for advisory opinions to be submitted in accordance with rules adopted by the department; amending s. 120.54, F.S.; authorizing the department to adopt rules for incorporating materials by reference; providing legislative intent; providing an effective date.

—was read the second time by title.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 644495)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.—There is created a Department of State.

- (1) The head of the Department of State is the Secretary of State.
- (2) The following divisions of the Department of State are established:
  - (a) Division of Elections.
  - (b) Division of Historical Resources.
  - (c) Division of Corporations.
  - (d) Division of Library and Information Services.
  - (e) Division of Licensing.
  - (f) Division of Cultural Affairs.
  - (g) Division of Administration.
- (3) *The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.*

Section 2. Effective January 7, 2003, section 20.10, Florida Statutes, as amended by section 4 of chapter 2000-258, Laws of Florida, is amended to read:

20.10 Department of State.—There is created a Department of State.

(1) The head of the Department of State is the Secretary of State. The Secretary of State shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The Secretary of State shall perform the functions conferred by the State Constitution upon the custodian of state records.

(2) The following divisions of the Department of State are established:

- (a) Division of Elections.

- (b) Division of Historical Resources.
- (c) Division of Corporations.
- (d) Division of Library and Information Services.
- (e) Division of Licensing.
- (f) Division of Cultural Affairs.
- (g) Division of Administration.

(3) *The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.*

Section 3. Subsection (9) is added to section 99.061, Florida Statutes, to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(9) *The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.*

Section 4. Subsection (2) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification *and in accordance with rules adopted by the Department of State of the amendments.* The Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

Section 5. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. *The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.*

Section 6. Subsection (9) is added to section 106.07, Florida Statutes, to read:

106.07 Reports; certification and filing.—

(9) *The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.*

Section 7. Subsection (11) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted. *The Department of State may prescribe by rule requirements for filing a complaint of voter fraud and for investigating any such complaint.*

Section 8. Subsection (2) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, committee, person, or organization has taken or proposes to take. *Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State.* A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 9. Paragraph (i) of subsection (1) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(i) A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. *The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.*

Section 10. Paragraph (p) is added to subsection (3) of section 267.061, Florida Statutes, to read:

267.061 Historic properties; state policy, responsibilities.—

(3) DIVISION RESPONSIBILITY.—It is the responsibility of the division to:

(p) *Protect and administer historical resources abandoned on state-owned lands or on state-owned sovereignty submerged lands. The division may issue permits for survey and exploration activities to identify historical resources and may issue permits for excavation and salvage activities to recover historical resources. The division may issue permits for archaeological excavation for scientific or educational*



*purposes on state-owned lands or on state-owned sovereignty submerged lands. The division may also issue permits for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The division shall adopt rules to administer the issuance of permits for all such activities. In addition, the division shall adopt rules to administer the transfer of objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.*

Section 11. Subsection (11) is added to section 872.05, Florida Statutes, to read:

872.05 Unmarked human burials.—

(11) *RULES.—The Department of State may prescribe by rule procedures for reporting an unmarked human burial and for determining jurisdiction over the burial.*

Section 12. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page ,  
remove from the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

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

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1757**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter's certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 749**—A bill to be entitled An act relating to absentee ballots; amending s. 101.62, F.S.; deleting the requirement that a person requesting an absentee ballot disclose his or her social security number and the last four digits of the elector's social security number; amending ss. 101.64 and 101.65, F.S.; revising the voter's certificate and the instructions to absent electors to delete the requirement that an absent elector provide the last four digits of the elector's social security number; amending s. 101.68, F.S.; deleting the requirement that the last four digits of the elector's social security number be provided for an absentee ballot to be considered legal; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 189**—A bill to be entitled An act relating to absentee ballots; creating the Military Voter Protection Act; declaring legislative intent to enact legislation to ensure the integrity of absentee ballots cast by military personnel; providing an effective date.

—was read the second time by title.

The Committee on Rules, Ethics & Elections offered the following:

(Amendment Bar Code: 224339)

**Amendment 1 (with title amendment)**—Delete everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the "Military and Overseas Voter Protection Act."*

Section 2. *Definitions.—As used in this act, the term:*

(1) *"Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.*

(2) *"Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:*

(a) *Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or*

(b) *Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.*

(3) *"Overseas voter" means:*

(a) *Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;*

(b) *Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and*

(c) *Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,*

*who are qualified and registered to vote as provided by law.*

Section 3. *It is the intent of the Legislature to facilitate the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act.*

Section 4. *Any person who is qualified as an overseas voter under this act and who has been discharged or separated after the book closing for*

an election pursuant to section 97.055, Florida Statutes, from the uniformed services or Merchant Marine, and any spouse or child accompanying such person, who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before said election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 5. State write-in ballot.—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 6. Absentee ballots for overseas voters.—

(1) Not fewer than 35 days prior to the first primary and not fewer than 45 days prior to the second primary and the general election, the supervisor of elections shall mail an absentee ballot to each overseas voter who has made a request for an absentee ballot.

(2) If the regular absentee ballots for the second primary or general election are not available for mailing by the times prescribed in subsection (1), the supervisor of elections shall mail an advance ballot.

(a) The advance ballot for the second primary must be the same as the first primary ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted.

(b) Except as provided in section 99.063(4), Florida Statutes, the advance absentee ballot for the general election shall include the same information as the general election ballot, except that in the case of candidates of political parties when nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election must be printed on the advance absentee ballot.

(c) The advance absentee ballot shall be a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election.

(d) The supervisor shall enclose with the advance ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(e) In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with the provisions of the subsection, the Department of State is authorized to prescribe rules for a ballot to be sent to overseas voters.

(3) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic

transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the first primary not later than 30 days before the first primary; the list of candidates for the second primary not later than eight days after the first primary, and the list of candidates for the general election not later than four days after the second primary.

(4) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 7. Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 8. If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 9. Subsections (4), (5), (6), and (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(4)(a) ~~To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall provide an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:

(a)1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

(1.)a. The elector is absent from the county and does not plan to return before the day of the election;

(2.)b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

(3.)e. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

(b)2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

(c)3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

(d)4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

(5) In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with subsection (4), the Department of State is authorized to prescribe rules for a ballot to be sent to absent electors overseas.

(5)(6) Nothing other than the materials necessary to vote absentee shall be mailed or delivered with any absentee ballot.

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 10. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

.. (Date). . . . (Voter's Signature). . .

.. (Last four digits of voter's social security number). . .

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , . . . (year). . . , by . . . (name of person making statement). . . My commission expires this . . . day of . . . , . . . (year). . .

.. (Signature of Official). . .

.. (Print, Type, or Stamp Name). . .

.. (State or Country of Commission). . .

Personally Known . . . . . OR Produced Identification . . . . .

Type of Identification Produced . . . . .

OR

b. One Witness, 18 years of age or older who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

.. (Signature of Witness). . .

.. (Printed Name of Witness). . .

~~---(Voter I.D. Number of Witness and County of Registration)---  
 . . .(Address). . . . .(City/State). . .~~

Section 11. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature); ~~place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:~~

~~a.—One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

~~b.—Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.~~

7. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

8. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the voter's certificate. No candidate may serve as an attesting witness.

9.7. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 12. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event

that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. ~~If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

Section 13. Subsection (1) of section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. Returns must be filed by 5 p.m. on the 7th day following the first primary, ~~and by 5 p.m. on the 11th day following the general election, and by 3 p.m. on the 3rd day following the second primary.~~ If the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department.

Section 14. This act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to elections; creating the "Military and Overseas Voter Protection Act;" providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel and family members; requiring the Department of State to adopt rules specifying eligibility; providing a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the promulgation of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated on the outside of the absentee return envelopes of absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S.; providing an effective date.

Rep. Harrington moved the adoption of the amendment.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 033365)

**Amendment 1 to Amendment 1 (with title amendment)—**

Beginning on page 2, line 25 through page 3, line 4 remove from the amendment: all of said lines

and insert in lieu thereof:

Section 4. *An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055, who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.*

And the title is amended as follows:

On page 16, line 8 of the amendment after "personnel" of the amendment

and insert in lieu thereof: , or individuals separated from employment outside the territorial United States,

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

The Procedural & Redistricting Council offered the following:  
(Amendment Bar Code: 020867)

**Amendment 2 to Amendment 1**—On page 7, lines 23-28  
remove from the amendment: all of said lines

and insert in lieu thereof:

1.a. The elector is absent from the county and does not plan to return before the day of the election;

2.b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

3.e. The elector is in a hospital, assisted-living

Rep. Harrington 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 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the second time by title.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 603919)

**Amendment 1**—On page 1, line 12,  
remove from the bill: all of said line

and insert in lieu thereof: *Legislature shall convene on January 22, 2002.*

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

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HR 9003**—A resolution in support of President Bush's tax relief proposal.

WHEREAS, federal taxes are the highest they have ever been during peacetime, and

WHEREAS, all taxpayers should be allowed to keep more of their own money, and

WHEREAS, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets, and

WHEREAS, President Bush's tax relief proposal is estimated to create more than 560,000 jobs annually above current federal forecasts over the next decade, and

WHEREAS, the American people have not received real tax relief in a generation, and

WHEREAS, under President Bush's tax relief proposal, taxpayers in the State of Florida will receive tax cuts totaling an estimated \$43.3 billion over the next decade, and

WHEREAS, President Bush's tax relief proposal will contribute to raising the standard of living for all Americans, and

WHEREAS, the real disposable personal income of a family of four will increase by approximately \$2,624 each year, upon full implementation, and

WHEREAS, President Bush's tax relief proposal will increase access to the middle class for hard-working families, treat middle-class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education, and

WHEREAS, under President Bush's tax relief proposal, the largest percentage reductions will go to the lowest income earners, NOW, THEREFORE,

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

That the Florida House of Representatives expresses its support for President Bush's tax relief proposal and requests that the members of Florida's delegation to the United States Congress support the proposal, including the call for across-the-board reductions in marginal income tax rates, reduction of the marriage penalty, and elimination of the estate tax.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the President of the United States and to each member of the Florida delegation to the United States Congress.

—was read the second time by title. On motion by Rep. Byrd, the resolution was adopted.

**CS/HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing an effective date.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 143317)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

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

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program, including a "bundled provider" that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account

information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, *that is, a second election, at the employee's discretion*, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move from the Public Employee Optional Retirement Program to the defined benefit program, the employee must transfer from his or her *optional program Public Employee Optional Retirement Program* account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

*If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.*

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services, *where those services do not duplicate services provided by the Division of Retirement within the Department of Management Services*. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the

board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled providers, each of whom who offer nine multiple investment options and related services products* when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum, *and may include a guaranteed account as well as investment products such as individually allocated guaranteed and variable annuities, that meet the requirements of this subsection and that combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and shall include products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from*

products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense risk charges, shall be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all applicable federal and state securities and insurance laws and regulations, as well as the applicable rules and guidelines of the National Association of Securities Dealers (NASD) governing the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with National Association of Security Dealers rules.

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.

4. Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 2. The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; providing an effective date.

Rep. Fasano moved the adoption of the amendment.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 213913)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17,

insert:

Section 1. It is hereby declared by the Legislature that firefighters, paramedics, emergency medical technicians, and police officers, as hereinafter defined, perform state and municipal functions; that it is their duty to protect life and property at their own risk and peril; that it is their duty to continuously instruct school personnel, public officials, and private citizens about safety; and that their activities are vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the

benefit of firefighters, paramedics, emergency medical technicians, and police officers as hereinafter defined and intends, in implementing the provisions of Section 14, Article X of the State Constitution as they relate to municipal and special district pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of pension trust funds. Pursuant to Section 18, Article VII of the State Constitution, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

Section 2. Paragraph (b) of subsection (4) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(b) Total and permanent disability.—A member shall be considered totally and permanently disabled if, in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee. A *Special Risk Class member who is an officer as defined in s. 943.10(1), (2), or (3); a firefighter as defined in s. 633.30(1); an emergency medical technician as defined in s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is catastrophically injured as defined in s. 440.02(37) in the line of duty as a result of a felonious act of another shall be considered totally and permanently disabled and unable to render useful and efficient service as an officer, unless the administrator can provide documented competent medical evidence that the officer is able to render useful and efficient service as an officer. For purposes of this subsection, the term "officer" includes law enforcement officers, correctional officers, correctional probation officers, firefighters, emergency medical technicians, and paramedics.*

Section 3. Subsection (5) of section 175.191, Florida Statutes, is amended to read:

175.191 Disability retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(5) The benefit payable to a firefighter who retires from the service of a municipality or special fire control district due to total and permanent disability as a direct result of a disability is the monthly income payable for 10 years certain and life for which, if the firefighter's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly salary at the time of disability. If after 10 years of service the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly salary at the time of disability. *Notwithstanding any provision to the contrary, the monthly retirement benefit payable to a firefighter, emergency medical technician, or paramedic who retires from service due to total and permanent disability as a result of a catastrophic injury as defined in s. 440.02(37) where such injury is a result of a felonious act of another shall be the accrued retirement benefit but shall not be less than 80 percent of his or her average monthly salary at the time of disability.*

Section 4. Subsection (5) of section 185.18, Florida Statutes, is amended to read:

185.18 Disability retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(5) The benefit payable to a police officer who retires from the service of the city with a total and permanent disability as a result of a disability is the monthly income payable for 10 years certain and life for which, if the police officer's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly compensation as of the police officer's disability retirement date. If after 10 years of service the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly compensation as of the police officer's disability retirement date. *Notwithstanding any provision to the contrary, the monthly retirement benefit payable to a police officer who retires from service due to total and permanent disability as a result of a catastrophic injury as defined in s. 440.02(37) where such injury is a result of a felonious act of another shall be the accrued retirement benefit but shall not be less than 80 percent of the officer's average monthly compensation as of the officer's disability retirement date.*

And the title is amended as follows:

On page 9, line 8, after Program;

insert: creating the "Officer Malcolm Thompson Act"; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury;

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

Representative(s) Fasano offered the following:

(Amendment Bar Code: 394131)

**Amendment 2 to Amendment 1 (with title amendment)**—On page 8, between lines 28 & 29,

insert:

Section 3. Paragraphs (b) through (j) of subsection (2) of section 121.4501, Florida Statutes, are redesignated as paragraphs (d) through (l), respectively, new paragraphs (b) and (c) are added to said subsection, and subsections (7) and (16) of said section are amended, to read:

121.4501 Public Employee Optional Retirement Program.—

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

(b) "Average monthly compensation" means one-twelfth of average final compensation as defined in s. 121.021(24).

(c) "Covered employment" means employment in a regularly established position as defined in s. 121.021(52).

(7) BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits shall be provided in accordance with s. 401(a) of the Internal Revenue Code.

(b) Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and earnings thereon.

(c) Benefits shall be payable in accordance with s. 121.591. ~~the following terms and conditions:~~

~~1. To the extent vested, benefits shall be payable only to a participant, or to his or her beneficiaries as designated by the participant.~~

~~2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.~~

~~3. To begin receiving the benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), or the participant must be deceased. If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (d). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.~~

~~4. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (e). No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.~~

~~(d) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:~~

~~1. A lump sum distribution to the participant;~~

~~2. A lump sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or~~

~~3. Periodic distributions, as authorized by the state board.~~

~~(e) Survivor benefits shall be payable as:~~

~~1. A lump sum distribution payable to the beneficiaries, or to the deceased participant's estate;~~

~~2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or~~

~~3. A partial lump sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.~~

~~This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.~~

~~(f) The benefits payable to any person under the Public Employee Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.~~

(16) DISABILITY BENEFITS.—For any participant of the optional retirement program who becomes totally and permanently disabled, *benefits shall be paid in accordance with s. 121.591 as defined in s. 121.091(4)(b), the participant shall be entitled to receive those moneys that have accrued in his or her participant account. It is the intent of the Legislature to design a disability benefit for participants of the optional program similar to those disability benefits afforded defined benefit program members. The department is directed to study the potential options of such coverage, including self insurance and commercial coverage, the alternative methods of administering such benefits, and*



~~the fiscal impacts on the employees and employers, and to make recommendations to the Legislature by January 15, 2001.~~

Section 4. Subsection (3) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(3) CONTRIBUTIONS TO DISABILITY ACCOUNT.—

(a) All contributions made on behalf of a participant pursuant to this subsection shall be transferred by the employer to the third-party administrator for deposit in the Public Employee Disability Trust Fund administered by the Division of Retirement. Such contributions, less any fees or charges authorized by the Legislature to offset the costs of administering the disability component of the optional retirement program, shall be used to provide disability coverage for participants in the optional retirement program.

(b) Disability contributions for Regular Class members of the optional retirement plan are as follows:

| Dates of Contribution Rate Changes | Employers              |
|------------------------------------|------------------------|
| Effective July 1, 2002:            | 0.25% <del>0.39%</del> |

(c) Disability contributions for Special Risk Class members of the optional retirement plan are as follows:

| Dates of Contribution Rate Changes | Employers              |
|------------------------------------|------------------------|
| Effective July 1, 2002:            | 1.33% <del>1.25%</del> |

(d) Disability contributions for Special Risk Administrative Support Class members of the optional retirement plan are as follows:

| Dates of Contribution Rate Changes | Employers              |
|------------------------------------|------------------------|
| Effective July 1, 2002:            | 0.45% <del>0.73%</del> |

(e) Disability contributions for Elected Officers' Class members of the optional retirement plan are as follows:

| Dates of Contribution Rate Changes       | Employers              |
|--|------------------------|
| Effective July 1, 2002:                  |                        |
| Legislators                              | 0.41% <del>0.61%</del> |
| Governor, Lt. Governor, Cabinet Officers | 0.41% <del>0.61%</del> |
| State Attorneys, Public Defenders        | 0.41% <del>0.61%</del> |
| Justices, Judges                         | 0.73% <del>1.45%</del> |
| County Elected Officers                  | 0.41% <del>0.86%</del> |

(f) Disability contributions for Senior Management Service Class members of the optional retirement plan are as follows:

| Dates of Contribution Rate Changes | Employers              |
|------------------------------------|------------------------|
| Effective July 1, 2002:            | 0.26% <del>0.50%</del> |

Section 5. Section 121.591, Florida Statutes, is created to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed in the manner prescribed by the state board or the department. The state board or the department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents

required by this chapter and the rules of the state board and the department. In accordance with their respective responsibilities as provided in this section, the state board and the department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(1) NORMAL BENEFIT.—Under the optional program:

(a) Benefits, in the form of vested accumulations as described in s. 121.4501(6), shall be payable under this subsection as follows:

- To the extent vested, benefits shall be payable only to a participant.
- Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.
- To receive benefits under this subsection, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

(b) If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant as:

- A lump-sum distribution to the participant;
- A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, as amended, on behalf of the participant; or
- Periodic distributions, as authorized by the state board.

(2) DISABILITY RETIREMENT BENEFIT.—Benefits provided under this subsection are payable in lieu of the benefits which would otherwise be payable under the provisions of subsection (1).

(a)1. If the participant has no credit under the defined benefit program of the Florida Retirement System or such credit has been nullified as provided under s. 121.4501(3)(c), all moneys accumulated in the participant's optional program account, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual account to the Division of Retirement for deposit into the Public Employee Disability Trust Fund; or

2. If the participant is a former member of the defined benefit program of the Florida Retirement System who elected to retain the retirement credit he or she had earned under that program as provided in s. 121.4501(3)(b), a sum representing the actuarial present value of such credit shall be transferred by the Division of Retirement from the Florida Retirement System Trust Fund to the Public Employee Disability Trust Fund. In addition, all moneys accumulated in the participant's optional program account, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual account to the Division of Retirement for deposit into the Public Employee Disability Trust Fund.

(b)1. A participant of the optional program who becomes totally and permanently disabled, as defined in paragraph (d), after completing 8 years of creditable service, or a participant who becomes totally and permanently disabled in the line of duty regardless of his or her length of service, shall be entitled to a monthly disability benefit as provided in this subsection.

2. For purposes of this subsection, the 8 years of creditable service required to vest for regular disability benefits must be creditable service

under the defined benefit program of the Florida Retirement System or service under the optional program, subject to the following conditions:

a. In the case of present value transfers to a participant's account under s. 121.4501(3)(c), the period of service under the defined benefit program represented in the present value amounts transferred shall only be considered creditable service for purposes of vesting for disability benefits as long as such funds remain in the participant's accounts under the optional program.

b. In the case of contributions made to a participant's accounts under s. 121.4501(5), the period of service under the optional program shall only be considered creditable service for purposes of vesting for disability benefits as long as such funds remain in the participant's accounts under the optional program.

If a participant terminates employment and takes distribution of such funds as provided in subsection (1), all credit for the service represented by such distributed funds is forfeited for purposes of qualifying for disability benefits under this subsection.

(c)1. If the division has received from the employer the required documentation of the participant's termination of employment, the effective retirement date for a participant who applies and is approved for disability retirement shall be established by rule of the division.

2. For a participant who is receiving workers' compensation payments, the effective disability retirement date may not precede the date the participant reaches maximum medical improvement, unless the participant terminates employment prior to reaching maximum medical improvement.

(d) A participant shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented by reason of a medically determinable physical or mental impairment from rendering useful and efficient service as an officer or employee.

(e) The division, before approving payment of any disability retirement benefit, shall require proof that the participant is totally and permanently disabled as follows:

1. Such proof shall include the certification of the participant's total and permanent disability by two licensed physicians in this state and such other evidence of disability as the division may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment.

2. It shall be documented that:

a. The participant's medical condition occurred or became symptomatic during the time the participant was employed in an employee/employer relationship with his or her employer.

b. The participant was totally and permanently disabled at the time he or she terminated covered employment.

c. The participant has not been employed with any other employer after such termination.

3. If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the participant was in an employee/employer relationship with his or her employer.

4. The unavailability of an employment position that the participant is physically and mentally capable of performing shall not be considered as proof of total and permanent disability.

(f) A participant whose application for regular disability retirement has been denied and who has filed an appeal to the State Retirement Commission under s. 121.23 may, if eligible, elect to terminate employment and take distribution of benefits as provided under subsection (1) while he or she is awaiting the decision on the appeal. In that event:

1. If disability benefits are later approved as a result of the appeal, to receive the disability benefit payable under this subsection, the

participant shall first repay to the division for deposit in the Public Employee Disability Trust Fund the total amount withdrawn under subsection (1), less the amount that would have otherwise been payable as a monthly disability benefit while the appeal was pending if the application had been initially approved.

2. If the appeal is later denied, no further benefits are payable to the terminated participant.

(g) Upon the disability retirement of a participant under this subsection, the participant shall receive a monthly benefit that shall begin to accrue on the first day of the month of disability retirement, as approved by the division, and shall be payable on the last day of that month and each month thereafter during his or her lifetime and continued disability.

(h) The amount of each monthly payment shall be computed in the same manner as that computed for a normal retirement benefit but shall be based on disability option actuarial equivalency tables and the average monthly compensation and creditable service of the participant as of his or her disability retirement date, subject to the following:

1. If the participant's disability occurred in the line of duty, the monthly Option 1 benefit shall be a minimum of:

a. Forty-two percent of the participant's average monthly compensation as of the disability retirement date; or

b. Sixty-five percent of the participant's average monthly compensation as of the disability retirement date for a participant of the special risk class who retires on or after July 1, 2002.

2. If the participant's disability occurred other than in the line of duty, the monthly Option 1 benefit shall be a minimum of 25 percent of the participant's average monthly compensation as of the disability retirement date.

(i) A participant whose initial application for disability retirement has been denied may reapply for disability benefits. However, such participant's reapplication may be considered only if the participant presents new medical evidence of a medical condition that existed prior to the participant's termination of employment. The division may prescribe by rule procedures for reapplication and for review and approval or disapproval of reapplication.

(j) Nothing in this subsection shall be construed to prevent a participant who has been approved for a disability retirement benefit payable under this subsection from electing to receive, in lieu of the benefit payable under this subsection, the benefit payable to him or her under the provisions of subsection (1), provided such election is made prior to the deposit or cashing of a disability retirement warrant or receipt of such warrant by electronic funds transfer in accordance with the participant's authorization of direct deposit of such funds.

(k) The division may require periodic reexaminations at the expense of the Public Employee Disability Trust Fund. The division may adopt rules establishing procedures for conducting and review of such reexaminations. If the division finds that a participant who is receiving disability benefits is no longer disabled, the division shall direct that the disability benefits be discontinued and no further benefits shall be payable under this subsection. The decision of the division on this question shall be final and binding. Upon termination of the monthly disability benefit:

1. If such participant does not reenter covered employment following recovery from disability and had not satisfied the vesting requirement as of the disability retirement date for any or all of the moneys which had accumulated in his or her participant accounts, the remainder of the nonvested accumulation as described under subparagraph 5., if any, shall be held in a suspense account in the Public Employee Disability Trust Fund.

a. If the participant returns to covered employment as an eligible employee as defined in s. 121.4501(2) within 5 years after the date of recovery, the division shall transfer any such moneys held in the suspense account, plus interest calculated at an effective annual rate of 6 percent,

to the State Board of Administration for deposit in the participant's individual account under the optional program, as directed by the participant.

b. If the participant fails to return to covered employment within 5 years after recovery, any such moneys held in the suspense account in the Public Employee Disability Trust Fund shall be forfeited.

2. If such participant does not reenter covered employment following recovery from disability but had satisfied vesting requirements as of the disability retirement date for any or all of the moneys which had accumulated in his or her accounts under the optional program, the amount representing the remainder of his or her vested accumulation as described under subparagraph 5., if any, shall be transferred from the Public Employee Disability Trust Fund to the Public Employee Optional Retirement Program Trust Fund and shall be payable as provided in subsection (1).

3. If such participant returns to covered employment following recovery from disability as a participant in the optional program, the amount representing the remainder of his or her nonvested accumulation or the remainder of his or her vested accumulation as described under subparagraph 5., if any, shall be transferred from the Public Employee Disability Trust Fund to the third-party administrator for deposit in the participant's individual investment accounts as directed by the participant. Vested accumulations shall be accounted for separately from nonvested accumulations.

4. If such participant reenters covered employment as a member of the defined benefit program of the Florida Retirement System, and is continuously employed for a minimum of 1 year of creditable service, he or she may claim as creditable service the months during which he or she was receiving a disability benefit, upon payment of the required contributions as provided in s. 121.091(4)(h)1.d.

5. As used in reference to funds deposited in the Public Employee Disability Trust Fund under paragraph (a):

a. The term "remainder of the nonvested accumulation" means all employer contributions deposited on behalf of a participant who had not met the vesting requirement set forth in s. 121.4501(6)(a)1. as of his or her disability retirement date and any transferred present value amount deposited on behalf of a participant who had not met the vesting requirement set forth in s. 121.4501(6)(b)1. as of his or her disability retirement date, plus interest and earnings thereon, less the total amount of disability benefits received by that participant.

b. The term "remainder of the vested accumulation" means all employer contributions deposited on behalf of any participant who had met the vesting requirement set forth in s. 121.4501(6)(a)1. as of his or her disability retirement date and any transferred present value amount deposited on behalf of any participant who had met the vesting requirement set forth in s. 121.4501(6)(b)1. as of his or her disability retirement date, plus interest and earnings thereon, less the total amount of disability benefits received by that participant.

(l) Both the participant receiving disability benefits who reenters employment and the employer employing such disability retiree shall notify the division immediately upon reemployment and the division shall terminate such participant's disability benefits, effective upon the first day of the month following the month in which notification of recovery is received. If the participant is reemployed with a Florida Retirement System employer at the time of benefit termination and he or she has received disability retirement benefit and salary payments concurrently prior to notifying the division, he or she may elect within 30 days to:

1. Retain the retirement benefits received prior to termination of disability benefits and begin receiving retirement service credit effective upon the date of termination of benefits; or

2. Repay, within 12 months after his or her decision to receive service credit, the retirement benefits received for each month of reemployment prior to termination of disability benefits and begin receiving retirement service credit effective upon the date of reemployment. Any such unpaid benefits shall have compound interest of 6.5 percent added each June 30.

A participant may not receive both retirement service credit for employment and retirement benefits for the same month.

(m) If, after recovery from disability and reentry into covered employment, the participant again becomes disabled and is again approved for disability retirement, the Option 1 monthly retirement benefit shall not be less than the Option 1 monthly benefit calculated at the time of the previous disability, plus any cost-of-living increases payable up to the time the disability benefit was terminated upon his or her reentry into covered employment.

(n) A participant shall not be entitled to receive any disability retirement benefit if the disability is a result of:

1. Injury or disease sustained by the participant while willfully participating in a riot, civil insurrection, or other act of violence or while committing a felony;

2. Injury or disease sustained by the participant after his or her employment has terminated; or

3. Intentional, self-inflicted injury.

(o)1. If a participant is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 6 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, the participant's Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his or her monthly compensation as of the participant's disability retirement date. Such a participant may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under the optional program as set forth under subsection (1).

2. If any justice or judge who is a participant of the optional program is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount which was transferred to his or her program account and all employer contributions made to such account on his or her behalf, plus interest and earnings thereon, shall be transferred to and deposited in the Public Employee Disability Trust Fund.

b. The monthly benefits payable under this paragraph for any affected justice or judge retired from the Florida Retirement System pursuant to Art. V of the State Constitution shall be paid from the Public Employee Disability Trust Fund.

(3) DEATH BENEFITS.—Under the optional program:

(a) Survivor benefits shall be payable in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant's beneficiary or beneficiaries as designated by the participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be deceased.

(b) In the event of a participant's death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c), to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death. No other death benefits shall be available for survivors of participants under

the optional program, except for such benefits, or coverage for such benefits, as are otherwise provided by law or are separately afforded by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable by the third-party administrator to the participant's surviving beneficiary or beneficiaries as:

1. A lump-sum distribution payable to the beneficiary or beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the optional program and any contributions accumulated under such program are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 6. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by section 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

And the title is amended as follows:

On page 9, line 17,

after the semicolon insert: amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest;

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

Rep. Richardson moved that, under Rule 12.2(c), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 160

Yeas—44

Argenziano Bendross-Mindingall Brutus Cusack
Ausley Betancourt Bullard Davis

Fields Holloway McGriff Siplin
Frankel Jennings Meadows Slosberg
Gannon Joyner Peterman Smith
Gelber Justice Rich Sobel
Gottlieb Kendrick Richardson Stansel
Greenstein Kilmer Ritter Weissman
Harper Kosmas Romeo Wiles
Henriquez Lerner Ryan Wilson
Heyman Machek Seiler Wishner

Nays—72

The Chair Brown Goodlette Maygarden
Alexander Brummer Green Mealor
Allen Byrd Haridopolos Melvin
Andrews Cantens Harrington Miller
Arza Carassas Hart Murman
Attkisson Clarke Hogan Needelman
Atwater Crow Johnson Negron
Baker Detert Jordan Paul
Ball Diaz de la Portilla Kallinger Prieguez
Barreiro Diaz-Balart Kottkamp Ross
Baxley Dockery Kravitz Rubio
Bean Farkas Kyle Russell
Bennett Fasano Lacasa Simmons
Bense Fiorentino Littlefield Sorensen
Benson Flanagan Lynn Spratt
Berfield Garcia Mack Trovillion
Bilirakis Gardiner Mahon Wallace
Bowen Gibson Mayfield Waters

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

Representative(s) Richardson offered the following:

(Amendment Bar Code: 694961)

Amendment 2 (with title amendment)—On page 1, line 11 of the bill

insert:

Section 1. Effective July 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of the employer or agency of state government. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406).; ~~or~~
24. Pharmacy manager (class code 5251).
25. *Unit treatment and rehabilitation director-F/C (class code 5805).*
26. *Unit treatment and rehabilitation senior supervisor I-F/C (class code 5793).*
27. *Unit treatment and rehabilitation supervisor II-F/C (class code 5796).*
28. *Unit treatment and rehabilitation specialist-F/C (class code 5791).*
29. *Unit treatment and rehabilitation supervisor I-F/C (class code 5786).*
30. *Unit treatment and rehabilitation director (class code 5779).*
31. *Unit treatment and rehabilitation senior supervisor I (class code 5777).*
32. *Unit treatment and rehabilitation senior supervisor II (class code 5778).*
33. *Unit treatment and rehabilitation senior supervisor III (class code 5780).*
34. *Unit treatment and rehabilitation senior supervisor III-F/C (class code 5799).*
35. *Unit treatment and rehabilitation specialist (class code 5776).*
36. *Unit treatment and rehabilitation supervisor I (class code 5710).*

And the title is amended as follows:

On page 1, lines 2 and 3  
remove from the title of the bill: Public Employees Optional Retirement Program

and insert in lieu thereof: the Florida Retirement System; amending s. 121.0515, F.S.; providing eligibility of certain treatment and rehabilitation personnel at correctional or forensic facilities for membership in the Special Risk Class;

Rep. Richardson moved the adoption of the amendment.

#### REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the adoption of **Amendment 2**, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 449** was taken up. On motion by Rep. Bense, SB 412 was substituted for HB 449. Under Rule 5.15, the House bill was laid on the table and—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Sobel offered the following:

(Amendment Bar Code: 661737)

**Amendment 1 (with title amendment)**—On page 2, between lines 29 and 30, of the bill

insert:

*(3) This section shall not prohibit an action against a firearms manufacturer, dealer, or distributor who markets, distributes, or sells firearms in a manner that promotes or encourages an illegal or underground market for such firearms.*

And the title is amended as follows:

On page 1, line 4, after the semicolon,

insert: specifying that the act does not preclude an action against a firearms manufacturer, dealer, or distributor who markets, distributes, or sells firearms in a manner that promotes or encourages an illegal or underground market for such firearms;

Rep. Sobel moved the adoption of the amendment.

On motion by Rep. Byrd, further consideration of **SB 412**, with pending amendment, was temporarily postponed under Rule 11.10.

**Conference Committee Appointments**

The Speaker appointed the following Members as managers on the part of the House on SBs 2000 and 2002 (general appropriations and implementing bills) to serve with Rep. Lacasa, Chair: At Large—Reps. Fasano, Greenstein, Murman, Wallace, and Wilson; Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, and Berfield (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Cantens, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Goodlette, Holloway, Kilmer, Miller, Siplin, and Brown (alternate).

**Moment of Silence**

The House observed a moment of silence in memory of former Representative Douglas L. “Tim” Jamerson, who died Saturday, April 21st. He also served as Commissioner of Education and Secretary of the Department of Labor and Employment Security.

Speaker Feeney announced that a memorial service would be held in the House Chamber on Wednesday, April 25, at 5:30 p.m.

On motion by Rep. Goodlette—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Sobel to adopt Amendment 1.

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

Representative(s) Peterman offered the following:

(Amendment Bar Code: 664107)

**Amendment 2 (with title amendment)**—On page 3, between lines 6 and 7, of the bill

insert: *(4) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers by this act shall apply only to a firearms manufacturer, distributor, or dealer that within one year of the effective date of this act develops firearms with child resistant triggers.*

And the title is amended as follows:

On page 1, line 10,

after the semicolon insert: providing a limitation on the prohibition against civil actions for firearms manufacturers;

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

Representative(s) Wilson offered the following:

(Amendment Bar Code: 045651)

**Amendment 3 (with title amendment)**—On page 3, between lines 16 and 17, of the bill

insert:

*(5) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers granted by this section shall apply only to a firearms manufacturer, distributor, or dealer that:*

*(a) Includes with each firearm it sells an external lock that has to be removed before firing;*

*(b) Within 2 years of the effective date of this act equips each of the firearms it sells with an additional lock built into the firearm; and*

*(c) Adds a second concealed serial number to each of the firearms it sells.*

And renumber subsequent subsections

And the title is amended as follows:

On page 1, line 14,

after the semicolon insert: providing a limitation on the prohibition against civil actions for firearms manufacturers, distributors, or dealers;

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

Representative(s) Rich offered the following:

(Amendment Bar Code: 270673)

**Amendment 4 (with title amendment)**—On page 4, between lines 2 and 3, remove from the bill: all of said line,

insert:

*(7) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers by this act shall apply only to a firearms manufacturer, distributor, or dealer that distributes firearms to dealers at gun shows only if every dealer at the gun show agrees to conduct a complete criminal history background check on each potential buyer prior to the sale of any firearm.*

And the title is amended as follows:

On page 1, line 25, after the semicolon,

insert: providing conditions precedent to granting the prohibition against civil actions for firearms manufacturers, distributors, and dealers;

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

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 505**—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; revising the victim's age at which the time limitations begin to run for prosecution of specified sexual crimes; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1747** was taken up. On motion by Rep. Bilirakis, the rules were waived and CS for SB 232 was substituted for HB 1747. Under Rule 5.15, the House bill was laid on the table and—

**CS for SB 232**—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 158; CS for SB 178; and CS for SB 224, as amended; passed SB 272; passed SBs 654 and 666, as amended; passed SB 766; CS for SB 800; and CS for SB 806; passed SB 814; CS for SB 836;

CS for CS for SB 870; CS for SB 888; CS for SB 938; CS for SB 992; and SBs 1066 and 1166, as amended; passed SB 1212 and CS for CS for SB 1214; passed CS for CS for SB 1258; CS for SB 1260; and CS for SB 1274, as amended; passed CS for SB 1524; passed CS for SB 1788 and CS for SB 2042, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committees on Finance and Taxation, Commerce and Economic Opportunities and Senator Brown-Waite—

**CS for CS for SB 158**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Brown-Waite—

**CS for SB 178**—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Regulated Industries and Senator Dawson and others—

**CS for SB 224**—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

Referred to the Calendar of the House.

By Senator Klein—

**SB 272**—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

Referred to the Calendar of the House.

By Senator Saunders and others—

**SB 654**—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by

endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

Referred to the Calendar of the House.

By Senator Sullivan—

**SB 666**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

Referred to the Calendar of the House.

By Senator Sanderson—

**SB 766**—A bill to be entitled An act relating to driver's licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Finance and Taxation and Senator Silver—

**CS for SB 800**—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Laurent—

**CS for SB 806**—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

Referred to the Calendar of the House.

By Senators Crist and Klein—

**SB 814**—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council's appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of "eligible business" under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Crist and others—

**CS for SB 836**—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.;

prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Comprehensive Planning, Local and Military Affairs, Governmental Oversight and Productivity and Senator Webster and others—

**CS for CS for SB 870**—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms "proper invoice," "local government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Campbell—

**CS for SB 888**—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Peadar—

**CS for SB 938**—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions or creditors and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Carlton—

**CS for SB 992**—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

Referred to the Calendar of the House.

By Senator Peadar—

**SB 1066**—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements; providing an effective date.

Referred to the Calendar of the House.



By Senators Sebesta and Crist—

**SB 1166**—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

Referred to the Calendar of the House.

By Senator Webster—

**SB 1212**—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families and Senators Peaden and Cowin—

**CS for CS for SB 1214**—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Health, Aging and Long-Term Care, Children and Families and Senator Mitchell—

**CS for CS for SB 1258**—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders;

requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator King—

**CS for SB 1260**—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Burt and others—

**CS for SB 1274**—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a

group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Natural Resources and Senator Constantine—

**CS for SB 1524**—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Wasserman Schultz and others—

**CS for SB 1788**—A bill to be entitled An act relating to dentistry; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Agriculture and Consumer Services and Senator Bronson—

**CS for SB 2042**—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

Referred to the Calendar of the House.

#### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:30 a.m., Wednesday, April 25. The motion was agreed to.

#### Recorded Votes

Rep. Diaz de la Portilla:

Nays—Amendment 3 to Amendment 4 to CS/HB 1925

Rep. Spratt:

Yeas—CS/HB 563

#### Prime Sponsors

CS/HB 239—Slosberg

#### Cosponsors

CS/HB 175—Andrews, Kendrick, Spratt

CS/HB 427—Cantens

HB 531—Lynn

HB 595—Miller

HB 651—Negron

HB 985—Bilirakis

HB 1059—Harrington, Lynn

HB 1157—Wiles

HB 1169—Bilirakis

HB 1189—Greenstein

HB 1203—Wishner

#### Introduction and Reference

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1979**—A bill to be entitled An act relating to trust fund administration; amending s. 18.10, F.S.; providing for deposit by law of earnings on any investment of state money not deposited into the General Revenue Fund; amending s. 18.125, F.S.; revising requirements of state agencies and the judicial branch to make moneys available for investment by the Treasurer; removing a notice requirement; amending s. 215.32, F.S.; specifying certain trust funds for use for day-to-day operations for specified purposes; amending s. 215.3206, F.S.; requiring legislation re-creating a trust fund to include a mechanism to reduce the trust fund to its maximum operating level or to transfer unallocated funds from the trust fund's accounts; amending s. 215.3208, F.S.; revising requirements for legislative review of trust funds; providing for consideration of the types and amounts of revenue going into a trust fund in relation to the appropriated expenditures authorized for the trust fund's programs; providing for adjustment of the trust fund's revenues to match the expenditures authorized for those programs; providing for a maximum operating level for each re-created trust fund; amending s. 216.023, F.S.; requiring legislative budget requests to contain certain summary and other information on trust funds and fees; requiring an annual report by the Executive Office of the Governor and the Comptroller to the Legislature on the operation of certain trust funds; providing effective dates.

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

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1981**—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to

real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from

certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

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

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1983**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.155, F.S.; revising provisions relating to the correction of errors in the assessment of homestead property due to a material mistake of fact; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; requiring the department, effective for 2003 and subsequent tax rolls, to study assessment roll strata by value groups or market areas to ensure the representativeness of ratio study samples; amending s. 197.212, F.S., which allows the board of county commissioners to instruct the tax collector not to mail a tax notice when the amount of taxes is less than a specified amount; increasing such minimum amount; amending s. 197.343, F.S.; revising the deadline for mailing an additional tax notice to a taxpayer whose payment has not been received; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate and providing requirements with respect thereto; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of such fee shall be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S., which provides requirements for the form of the notice of proposed property taxes and non-ad valorem assessments; removing provisions which specify that a separate line entry for each independent special taxing district is optional; revising requirements for entries relating to voted levies for debt service; amending s. 192.0105, F.S.; correcting a reference; creating a Property Tax Administration Task Force and providing its duties; providing effective dates.

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

Referred to the Calendar of the House.

#### **First Reading of Council and Committee Substitutes by Publication**

By the Council for Competitive Commerce; Representatives Barreiro and Kosmas—

**CS/HB 213**—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the Deferred Presentment Act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III

of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

By the Council for Lifelong Learning; Committee on Juvenile Justice; Representatives Kravitz, Barreiro, Davis, Wiles, Baxley, Needelman, Bean, Hogan, Negron, Kottkamp, Detert, Richardson, Gannon, Pickens, Fields, Byrd, Alexander, Berfield, Attkisson, Bendross-Mindingall, Prieguez, Betancourt, Melvin, Fiorentino, Farkas, Harrington, Wilson, and Andrews—

**CS/CS/HB 267**—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Council for Healthy Communities; Committee on Juvenile Justice; Representatives Harper, Gelber, Barreiro, Richardson, Peterman, Smith, Greenstein, Weissman, Slosberg, Bucher, Bullard, Fields, Heyman, Romeo, Gannon, and McGriff—

**CS/CS/HB 617**—A bill to be entitled An act relating to youthful offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with the requirements for housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or the correctional staff; providing an effective date.

By the Council for Ready Infrastructure; Committee on Transportation; Representative Gardiner—

**CS/CS/HB 807**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; providing traffic school reference guide requirements; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.22, F.S.; providing a limitation on an action challenging the validity of a certificate of title issued pursuant to ch. 319, F.S.; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 319.27, F.S.; including reference to ownership interest with respect to liens on motor vehicles or mobile homes; providing special requirements with respect to an ownership interest which is different from that shown on an application for certificate of title; creating s. 319.275, F.S.; providing for interpleader actions for law enforcement officers alleging possession of a stolen motor vehicle by a good faith purchaser or person duly issued a certificate of title; amending s. 319.32, F.S.; clarifying fees for recording of liens and ownership interests; amending s. 319.323, F.S.; revising language with respect to expedited service on title transfers; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; defining the term "extended registration period"; amending s. 320.055, F.S.; authorizing an extended registration period for certain motor vehicles; amending s. 320.06, F.S.; providing terms and conditions for the issuance of extended registrations; amending s. 320.07, F.S.; providing for expiration of an extended registration; amending s. 320.02,

F.S.; requiring application forms for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.64, F.S.; providing additional grounds for denial, suspension, or revocation of vehicle manufacturer's license; amending s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations

for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; requiring notification of change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; amending ss. 316.605, 318.14, 318.18, and 322.121, F.S.; correcting cross references; providing effective dates.

By the Committee on Fiscal Policy & Resources; Representatives Melvin, Miller, and Brown—

**CS/HB 979**—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county

to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

By the Council for Ready Infrastructure; Committee on Transportation; Representative Russell—

**CS/CS/HB 1053**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; giving the Secretary of Transportation the authority to exempt the turnpike enterprise from department policies, procedures, and standards; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.07, F.S.; adding seaport security projects to the types of projects eligible for these funds; exempting seaport security projects from matching requirements; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for

federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; deleting requirement for legislative approval except for projects requiring more than \$50 million from the State Transportation Trust Fund; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting a subdivision to a gated neighborhood; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; providing that local governments which perform projects for the department are reimbursed promptly; specifying that certain counties that use revenues from a 1-cent local option sales tax for state transportation improvement projects not be penalized by receiving fewer state transportation funds; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting language requiring the department to perform certain railroad regulation tasks which are federal responsibilities; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be

erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; deleting provision which provides for certain residential developments located in one county to be treated as located in an adjacent less populated county; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; providing an effective date.

By the Council for Lifelong Learning; Committee on General Education; Representatives Arza, Atwater, Rubio, Paul, Melvin, Pickens, Baxley, Alexander, Diaz de la Portilla, Kallinger, and Fiorentino—

**CS/CS/HB 1193**—A bill to be entitled An act relating to education; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal

retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

By the Council for Lifelong Learning; Committee on Colleges & Universities; Representative Diaz-Balart—

**CS/CS/HB 1509**—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; reenacting and amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40202, F.S., relating to the



Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; reenacting and amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40205, F.S.; revising language with respect to the Florida Academic Scholars award; revising provisions relating to the calculation of awards; including transition language currently in statute; reenacting and amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; revising provisions relating to the calculation of awards; reenacting and amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; revising provisions relating to the calculation of awards; providing restrictions on use of the award; providing for transfer of awards; including transition language currently in statute; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40208, F.S., relating to transition language for eligibility for the Florida Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Brown, Negron, Wiles, Simmons, Fields, Sobel, Ross, Clarke, Melvin, McGriff, Berfield, Kallinger, and Lee—

**CS/HB 1805**—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for personally identifying information and any insurance

policy number contained in motor vehicle crash reports for 60 days following a motor vehicle crash; providing exceptions; providing for future review and repeal; providing criminal penalties for unlawful disclosure of confidential and exempt information; providing criminal penalties for unlawfully obtaining or attempting to obtain confidential and exempt information; providing a finding of public necessity; providing an effective date.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter, Barreiro, Greenstein, Smith, Henriquez, Sobel, Holloway, Kosmas, Maygarden, Spratt, Kendrick, Bullard, Cantens, Arza, Betancourt, Gelber, Diaz-Balart, Meadows, Lynn, Gannon, Weissman, Negron, Rubio, Diaz de la Portilla, Brutus, Prieguez, Rich, Seiler, Garcia, Lacasa, Stansel, Jennings, McGriff, Andrews, Wishner, Allen, Bean, Hogan, Gottlieb, Crow, Berfield, Justice, Kallinger, Trovillion, Joyner, Farkas, Detert, Flanagan, Ross, Littlefield, Machek, Mayfield, Atwater, Harper, Slosberg, Bucher, Harrell, Mealor, and Siplin—

**CS/HB 1889**—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of said tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming language; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising



requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting language relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming language; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under said section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunication services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to

regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter and Barreiro—

**CS/HB 1891**—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Ross, Melvin, Fields, Clarke, Brown, Simmons, Negron, Kallinger, Sobel, and Lee—

**CS/HB 1927**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of

determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

**Reports of Councils and Standing Committees**

**Council Reports**

**Received April 24:**

The Council for Healthy Communities recommends the following pass:  
 HB 1881

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:  
 HB 65  
 HJR 209  
 HB 261  
 CS/HB 305  
 CS/HB 427, with 3 amendments  
 CS/HB 541  
 HB 579, with 11 amendments  
 HB 613, with 2 amendments  
 CS/HB 623, with 2 amendments  
 HB 625  
 HB 635  
 HJR 825  
 HB 955, with 1 amendment  
 CS/HB 973  
 HB 1051  
 HB 1089  
 HB 1097, with 1 amendment  
 CS/HB 1131, with 1 amendment  
 HB 1207  
 HB 1249, with 1 amendment  
 HB 1341  
 HB 1377  
 CS/HB 1393, with 1 amendment  
 HB 1407  
 HB 1419  
 HB 1433, with 1 amendment  
 HB 1485, with 2 amendments  
 HB 1649, with 1 amendment  
 HB 1655, with 1 amendment  
 HB 1785  
 HB 1817  
 HB 1945

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends council substitutes for the following:  
 HB 213  
 HB 1805  
 HB 1927

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 213, 1805, and 1927 were laid on the table.**

The Council for Healthy Communities recommends a council substitute for the following:  
 CS/HB 617

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 617 was laid on the table.**

The Council for Lifelong Learning recommends council substitutes for the following:  
 CS/HB 267  
 CS/HB 1193  
 CS/HB 1509

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 267; CS/HB 1193; and CS/HB 1509 were laid on the table.**

The Council for Ready Infrastructure recommends council substitutes for the following:  
 CS/HB 807  
 CS/HB 1053

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 807 and CS/HB 1053 were laid on the table.**

The Council for Healthy Communities recommends the following pass:  
 HB 1879, with 21 amendments

**The above bill was referred to the Fiscal Responsibility Council.**

**Committee Reports**

**Received April 24:**

The Committee on State Administration recommends the following pass:  
 HB 899  
 HB 935  
 HB 941  
 HB 1849

**The above bills were placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:  
 HB 979 (fiscal note attached)

**The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 979 was laid on the table.**

The Committee on State Administration recommends the following pass:  
 CS/HB 1103, with 1 amendment

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on State Administration recommends the following pass:  
 HB 1695, with 1 amendment

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends committee substitutes for the following:  
 HB 1889 (fiscal note attached)

HB 1891 (fiscal note attached)

**The above committee substitutes were referred to the Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HBs 1889 and 1891 were laid on the table.**

The Committee on State Administration recommends the following pass:

CS/HB 1369

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on State Administration recommends the following pass:

HB 1169

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

**Excused**

Reps. Harrell, Pickens

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:20 p.m., to reconvene at 10:30 a.m., Wednesday, April 25.

**Pages and Messengers  
for the week of  
April 23-27**

PAGES—Brianna Barry, Tallahassee; Daniel Ben-Zadok, Weston; Taylor Bense, Panama City; Robert H. Berntsson II, Port Charlotte; Ryan Caldwell, Panama City; Orlando Cicilia, Miami; Courtney Corr, Jacksonville; Michael G. Eves, Tampa; Brittany Fishel, Panama City; John-Michael Gordon, Parkland; Matt Harringer, Palm Beach Gardens; Jared J. Hatchell, Deltona; Caleb Hawkes, Tallahassee; Amanda Holland, Orlando; Jeremy Johnson, Tallahassee; Elizabeth Lasher, Lutz; Timothy Daniel Meadows, Orlando; James Thomas Murphy, Jr., Naples; Dylan Smith, Alachua; Elizabeth Swanner, Chuluota; Jacqueline Tubaugh, Miami Springs; Ryan Lee Wacker, Orlando.

MESSENGERS—Adam H. Castellanos, Miami; Michael Stephen Cummons II, Jacksonville; Christina Marie Cusack, Orlando; Robbie Estevez, Tallahassee; Carlos Fleites, Miami; Mauricio Giraldo, Miami; Joshua Ryan Hicks, Tallahassee; Mike Jowers, Jacksonville; Jarrett Kime, Orlando; Veronica Leigh Lopez, Tallahassee; Holly Danielle Messer McFadden, Crawfordville; Allison Moore, Tallahassee; Ashley Moore, Tallahassee; John Steven Sheppard, Blountstown; Peter Joshua Tebow, Bryceville; Patricia Urban, Tampa; Christopher Wright, Tallahassee.