The Journal OF THE House of Representatives

Number 23 **Thursday, May 3, 2001**

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

Prayer

The following prayer was offered by Pastor James H. Brown of Miracle Prayer Temple Inc. of Fort Pierce, upon invitation of Rep. Machek:

Almighty God, the Creator of all heaven and earth, Thou, O Lord, full of grace and compassion, humbly we enter Your presence with thanksgiving, honor and glory. We bless Your name for Your goodness toward all mankind. We give You thanks for this day, for in Your word You have encouraged us to rejoice and be glad in it. We thank You for Your tender kindness, Your grace and mercy that's new to each of us daily. Father, we thank You for Your promise to hear and answer the prayers of Your children. Let health and peace be our portion. Let righteousness and holiness dwell forever in our hearts and be expressed in our actions that we may delight in the service where we've been called. It is our earnest plea today that You would draw all men unto Thyself and to one another by Thy great love. That You would bless our country that it may be ever a stronghold of peace, that You would bless our state that it will be united, and that You would grant wisdom to her governing body that the decisions made would be for the betterment of all mankind. Endow our lawgivers with a right understanding and a pure purpose; enable them to focus on what is good for all the people they represent. You, Lord, are our refuge and strength, a very present help in trouble. May Your blessings, Lord, rest upon all people, for it is to Thee that we lift up our eyes, in Thee, my God, the Father of mercies, do we put all our trust. Be merciful unto us and bless us and cause Your face to shine upon us. In His name we pray, Amen.

The following Members were recorded present:

Session Vote Sequence: 391

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

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

A quorum was present.

Pledge

The Members, led by Marianne L. Smokay of Orlando, Kristina M. Torpy of Melbourne, Ansley Wales of Lake Alfred, Elizabeth A. Webster of Orlando, and Sarah Wirgau of Tallahassee, pledged allegiance to the Flag. Marianne L. Smokay served at the invitation of Speaker Feeney. Kristina M. Torpy served at the invitation of Rep. Lacasa. Ansley Wales served at the invitation of Rep. Bowen. Elizabeth A. Webster and Sarah Wirgau served at the invitation of Speaker Feeney.

House Physician

The Speaker introduced Dr. Richard L. Bucciarelli of Gainesville, who served in the Clinic today upon invitation of Rep. Kendrick.

Correction of the *Journal*

The *Journal* of May 2 was corrected and approved as corrected.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 306; passed CS for SB 658; CS for CS for SB 784; SB 850; CS for SB 886; and SB 958, as amended; passed CS for SB 1128; passed SB 1394, as amended; passed CS for SB 1506; passed CS for SB 2054, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Criminal Justice and Senators Clary and Smith—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be

notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072. F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Holzendorf—

CS for SB 658—A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term "statutory accounting principles"; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms "reporting period," "statutory accounting principles," "surplus," and "surplus notes" for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing a retroactive effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committees on Agriculture and Consumer Services, Commerce and Economic Opportunities and Senators Geller, Crist, and Wasserman Schultz—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for

purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—was read the first time by title and referred to the Calendar of the House.

By Senator Burt—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Judiciary and Senator Klein—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Sullivan—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; provides for electronic submission; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Latvala—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the “Access to Medical Treatment Act”; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual’s legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Cowin—

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Governmental Oversight and Productivity and Senator Garcia—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By the Committee on Education and Senators Sebesta and Webster—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University’s College of Nursing the “Louis and Anne Green Alzheimer’s Research Center”; designating the Florida Atlantic University Dania Beach Campus facility the “Kenneth C. Jenne Building”; designating the observatory at Florida Gulf Coast University the “Evelyn L. Egan Astronomical Observatory”; designating the student and educational center at Florida Gulf Coast University the “Sugden Welcome Center”; designating the building at the Women’s Soccer and Softball Complex at Florida State University the “Mary Ann Stiles and Barry Smith Team Building”; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the “Kasha Laboratory”; designating the University of Central Florida’s School of Hospitality Management the “Harris Rosen School of Hospitality Management” and the facility that houses said school “Rosen Hall”; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the “William W. and Nadine M. McGuire Hall”; designating the new alumni center at the University of Florida the “Emerson Alumni Hall”; designating the new accounting building at the University of Florida’s Warrington School of Business the “Gary R. Gerson Hall”; designating the women’s gymnasium at the University of Florida the “Kathryn Chicone Ustler Hall”; designating the marine science complex at the University of South Florida’s St. Petersburg Campus as the “C.W. ’Bill’ Young Marine Science Complex”; designating the science research building at Florida Agricultural and Mechanical University as the “Frederick S. Humphries Science and Research Center”; designating the new honors college building at the University of Central Florida as the “Burnett Honors College”; naming the law school at Florida International University the “Rafael Diaz-Balart Building”; authorizing the erection of suitable markers; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney May 2, 2001
Speaker, House of Representatives

Dear Mr. Speaker:

Pursuant to Special Rule 01-15, your Procedural & Redistricting Council herewith submits as a Special Order Calendar for Thursday, May 3, 2001.

I. Consideration of the following bill(s):

SB 1162—Sebesta
Florida Prepaid College Program
CS/CS/SB 1346—Saunders
Behavioral Health Care Services
CS/SB 1012—Garcia
Energy Performance Savings
CS/CS/SB 2092—Sanderson
Health Care
CS/SB 2034—Latvala
Rural Electric Cooperatives
SB 2240—Garcia
Warranty Associations/Motor Vehicles
CS/SB 890—Campbell
Mortgages
CS/SB 788—Silver
Unfair Discrimination/Insurance
CS/SB 2110—Silver
Medicaid Services
CS/SB 2220—Posey
Governmental Data Processing
SB 1148—Crist
Corrections
CS/CS/SB 158—Brown-Waite
Enterprise Zones
CS/SB 208—Geller
Consumer Protection
CS/CS/SB 248—Saunders
Domestic Violence
CS/SB 302—Pruitt
Higher Educational Facilities
SB 304—Pruitt
Deferred Compensation Programs
CS/SB 322—Geller
Disposition of Offenders
CS/SB 354—Miller
Civil Rights/Complaints
CS/CS/SB 374—Carlton
Elderly & Disabled/Public Guardians
CS/SB 424—Jones
Retired Judges or Justices
CS/SB 444—Latvala
Offenses Against Children
SB 532—Posey
Outcome-Based Total Accountability
SB 536—Bronson
Demineralization Concentrate
SB 648—Garcia
Alcoholic Bev./Students/Curriculum
SB 666—Sullivan
Physician Assistants
SB 672—Mitchell
Indigent Hospital Patients
CS/SB 780—Dawson
Parental Consent/Medical Treatment
CS/SB 828—Dyer
Public-Sector Employee/Health Safety
CS/SB 840—Saunders
Public Records/Health/Financial Info
CS/CS/SB 912—Villalobos
Criminal Rehabilitation
CS/SB 992—Carlton
Dental Service Claim Denials
CS/SB 1190—Sullivan
Higher Education
SB 1198—Webster
Crimes/Using Two-way Communications
CS/SB 1210—Latvala
Health Insurance
SB 1212—Webster
Special Assessments/Mobile Home Park
CS/SB 1260—King
Financial Institutions
SB 1412—Posey
Child Safety Booster Seat Act
CS/SB 1576—Carlton
Ad Valorem Tax Administration
SB 1644—Smith
Schools/Teachers & Administrators
SB 1840—Clary
David Levitt School Anti-Hunger Act
CS/SB 2042—Bronson
Pest Control Operators
SB 2104—Crist
Hiring or Leasing Personal Property

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. Goodlette, the above report was adopted.

Motion

On motion by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the rules were waived and the Clerk was given discretion to determine the most appropriate time and date for spreading the following remarks upon the *Journal*.

Statement of Legislative Intent on CS/HB 277

Rep. Wilson: Representative Atwater, what is the liability of a school district that cannot find a direct match in their student database for a student deemed to be a Learnfare participant, according to the Department of Children and Families?

Rep. Atwater: Representative Wilson, there is no liability to the school. The school's only role is to participate in providing its absentee rolls to the Department of Children and Family Services. DCF's responsibility is for the match.

Rep. Wilson: You spoke of required conferences. Can parental conferences held for purposes other than Learnfare be counted against that requirement or for the requirement?

Rep. Atwater: Again, very, very good question. The answer to that would be, yes. We just want parental involvement; and if parental involvement was coming to school for another purpose in finding out how the student is doing, that's what we're looking for.

Rep. Wilson: It has been my experience that many guardians wait until the end of the semester to schedule the conference. Is there a penalty for that, Representative Atwater?

Rep. Atwater: The answer to that would be that I don't think it would be our place to try to come up with a remedy from the state level; but I do think it would certainly be our intent that this conference can be by phone or in person. And we would want the school to be extraordinarily flexible in working with the guardian that may be having difficulty making the conference. But I really see that as the responsibility of the guardian or the parent to be sure that the conference takes place. Now I hate to say this, but I do think it would

take missing one conference and going into a suspension of cash assistance. And I don't think that delay would happen a second time.

Rep. Wilson: I'm concerned because there are parents participating in this project and their children have become ungovernable or uncontrollable. And I'm concerned that a mother or a single parent or a grandmother, even, will lose their cash assistance because that child will not go to school, even though the parent tries as hard as they can.

Rep. Atwater: Thank you, Representative Wilson. We have chatted about this and I don't think there's probably anyone in this Chamber more keenly aware of that sense from your experiences and for your sharing it with me. The answer to your concern would be this: If that situation does arise—and I think we all in this room know that it does exist today—that there exists the very first exemption, good cause exemption in the bill that if there were not an alternative program in the systems available today, in the public school system, for that child that was that unruly, then the exemption would apply and there would be no penalty to the family to continue doing their best by that child.

Statement of Legislative Intent on CS/CS/HB 1533

Rep. Atwater: Thank you, Mr. Speaker. With the pleasure of Representative Melvin and the Speaker, I'll help to move through four questions. But I'll take those as I can. Let me first say before this first question, thank you for recognizing the good work of Palm Beach County. We do consider it wonderful to be in the lead. First question, Representative Lynn, does this bill change the original intent and purpose of the school readiness act as it was passed by the Legislature in 1999?

The Chair [Rep. Maygarden]: Representative Lynn, you're recognized to respond.

Rep. Lynn: Thank you for that question. No it does not and it was a bipartisan bill, Democrat and Republican and we are still continuing with the same intent.

The Chair: Representative Atwater, you have a follow-up?

Rep. Atwater: Thank you, Mr. Speaker.

The Chair: You're recognized.

Rep. Atwater: Representative Lynn, what is the purpose of the school readiness section of this bill?

The Chair: Representative Lynn, to respond.

Rep. Lynn: Thank you, Mr. Speaker. The purpose of the school readiness section of the bill is to transfer the Florida partnership for school readiness from the Governor's office to the Agency for Workforce Innovation. And also to transfer to the Agency for Workforce Innovation the associated school readiness programs from the Department of Children & Families Services and the Department of Education. All to a type two transfer.

The Chair: Representative Atwater, you have another follow-up?

Rep. Atwater: Thank you, Mr. Speaker.

The Chair: You're welcome.

Rep. Atwater: Representative Lynn, a number of statutes as has already been mentioned are being repealed related to programs for children. Why is this being done?

The Chair: Representative Lynn, you're recognized.

Rep. Lynn: Thank you, Mr. Speaker. It's not the intent to repeal any existing program. These statutes are being repealed to eliminate the confusion that exists out there. We have people in our counties locally who are providing misinformation to parents. We have parents who need these services and they cannot get into programs because of that misinformation. We are going to only make sure that we keep our standards and set parameters so that there's no misunderstanding of what the eligibility is. There is no misunderstanding with multiple conflicting laws.

The Chair: Representative Atwater, one more question.

Rep. Atwater: Thank you, Mr. Speaker. There's about one more question and a statement. Representative Lynn, the 1999 school readiness legislation had a voucher component to it. Does this bill expand or limit the 1999 legislation as it relates to the use of vouchers?

The Chair: Representative Lynn.

Rep. Lynn: Thank you, Mr. Speaker. The voucher is a federal voucher that came down to us and we do nothing but accept that as the Federal Government has required.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 466 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term "layoff"; defining the term "firefighter" and "law enforcement or correctional officer"; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations

Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

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

Session Vote Sequence: 392

Yeas—71

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

Nays—45

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

Votes after roll call:
  Yeas—Farkas
  Yeas to Nays—Kilmer

So the bill passed, as amended. On motion by Rep. Diaz-Balart, the House requested the Senate to concur, or failing to concur, requested the Senate to appoint a committee of conference to meet with a like committee appointed by the House. The bill was immediately certified to the Senate.

Thereupon, in anticipation of the Senate action, the Speaker appointed the following Members as managers on the part of the House on CS for SB 466 to serve with Rep. Diaz-Balart, Chair: Reps. Kyle, Brummer, Cantens, and Seiler.

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 281 on Bills and Joint Resolutions on Third Reading.

CS/HB 281 was taken up. On motion by Rep. Alexander, the rules were waived and—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the "Higher Educational Facilities Financing Act"; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; providing for construction; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was substituted for CS/HB 281 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Alexander, the rules were waived and CS for SB 302 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 393

Yeas—115

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bennett
Andrews	Atwater	Barreiro	Bense

Benson	Gannon	Kosmas	Rich
Berfield	Garcia	Kottkamp	Richardson
Betancourt	Gardiner	Kravitz	Ritter
Bilirakis	Gelber	Kyle	Romeo
Bowen	Gibson	Lacasa	Ross
Brown	Goodlette	Lee	Rubio
Brummer	Gottlieb	Lerner	Russell
Brutus	Green	Littlefield	Ryan
Bucher	Greenstein	Lynn	Seiler
Bullard	Haridopolos	Mack	Simmons
Byrd	Harper	Mahon	Siplin
Cantens	Harrell	Mayfield	Slosberg
Carassas	Harrington	Maygarden	Smith
Clarke	Hart	McGriff	Sobel
Crow	Henriquez	Meadows	Sorensen
Davis	Heyman	Mealor	Spratt
Detert	Hogan	Melvin	Stansel
Diaz-Balart	Holloway	Miller	Trovillion
Dockery	Jennings	Murman	Wallace
Farkas	Johnson	Needelman	Waters
Fasano	Jordan	Negron	Weissman
Fields	Joyner	Paul	Wiles
Fiorentino	Justice	Peterman	Wilson
Flanagan	Kallinger	Pickens	Wishner
Frankel	Kilmer	Prieguez	

Nays—None

Votes after roll call:
Yeas—Cusack, Kendrick

So the bill passed and was immediately certified to the Senate.

Special Orders

Special Order Calendar

On motion by Rep. Goodlette, the House moved to the consideration of SB 1162 on Special Orders.

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was read the second time by title.

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 720813)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan *or, in case of a loan being paid in full, directly to the teacher*. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

Section 2. Effective July 1, 2002, paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. *These funds may not be used for direct or indirect administrative purposes or salaries.* The board shall specify specific limits on the percent of the fees collected in a fiscal year which

may be carried forward unexpended to the following fiscal year. A minimum of *75* ~~50~~ percent of funds from the student financial aid fee *for new financial aid awards* shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award. *The Board of Regents shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subparagraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Regents. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.*

6. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed $30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

c. An orientation fee in an amount not to exceed $35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed $10 per item.

Section 3. Effective July 1, 2002, subsection (7) is added to section 240.271, Florida Statutes, to read:

240.271 State University System; funding.—

(7) A minimum of 55 percent of the new awards from funds provided in the General Appropriations Act for fellowships and fee waivers shall be used only to support:

(a) Upper-division students or graduate students formally admitted to a degree program in one of the following disciplines:

1. Computer and information sciences.

2. Engineering.

3. Engineering technology.

4. Biological sciences/life sciences.

5. Mathematics.

6. Physical sciences.

7. Health professions and related sciences.

(b) Upper-division students or master's level students formally admitted to a state-approved teacher preparation program.

The State University System shall report annually to the Legislature the distribution of fellowships and fee waivers provided, including, but not limited to, the number of awards, the dollar value of the awards, student level, student discipline, and the number and percent of award recipients remaining in the state following graduation who are employed in the field directly related to the discipline for which the award was received.

Section 4. Effective July 1, 2002, subsection (11) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(11)(a) Each community college is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current

fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of *75* ~~50~~ percent of the balance of these funds *for new awards* shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on *the revenue collected pursuant to this paragraph, the amount carried forward,* the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. *The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.* Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

Section 5. Subsections (1), (2), and (7) of section 240.40201, Florida Statutes, are amended to read:

240.40201 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in *a degree program, certificate program, or applied technology diploma program at* an eligible Florida public or private postsecondary education institution within *7* ~~3~~ years of graduation from high school. *No award shall be provided to a student beyond 7 years after high school graduation, regardless of the year in which a student first receives scholarship funding.*

(2) The Bright Futures Scholarship Program consists of three types of awards, the Florida Academic Scholarship, the Florida *Medallion* ~~Merit~~ Scholarship, and the Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida *Medallion* ~~Merit~~ Scholarship or a Florida ~~Vocational~~ Gold Seal *Vocational* Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

Section 6. Section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 240.404 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 232.246 or s. 229.814 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.0201; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida. *"Public service assignment," as used in this subparagraph, means the occupational assignment outside Florida of a person who is a permanent resident of Florida and who is employed by the United States Government or the State of Florida, a condition of which employment is assignment outside Florida.*

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or *have pled* ~~plead~~ nolo contendere to *or guilty to*, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by ~~April 1 of the last semester before~~ high school graduation. *Requests for exceptions to this deadline may be accepted by the high school or district through December 31 following high school graduation.*

(2) ~~A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation.~~ A student ~~who applies for an award by April 1 and~~ who meets all ~~other~~ eligibility requirements, but who does not accept his or her award *during the first year of eligibility after high school graduation*, may *apply for reinstatement of the award for use within 7* ~~reapply during subsequent application periods up to 3~~ years after high school graduation. *Reinstatement applications must be received by the deadline established by the Department of Education.*

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) Each school district shall provide each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key annually. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award as well as the award or awards for which the student has met the academic requirements.

(5)~~(4)~~ A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 7. Section 240.40203, Florida Statutes, is amended to read:

240.40203 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal*, reinstatement, and restoration* awards.—

(1) To be eligible to *receive* ~~renew~~ a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program *after the first year of eligibility*, a student must *meet the following requirements for renewal, reinstatement, or restoration*:

(a) *Renewal applies to students who receive an award for at least one term during the immediately preceding academic year. For renewal, a student must* complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship *and*~~.~~

~~(b)~~ maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida *Medallion* ~~Merit~~ Scholarship ~~or a Florida Vocational Gold Seal Scholarship~~, the Department of Education may grant a renewal *to the Florida Medallion Scholarship.* ~~from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or~~

2. *If, upon renewal evaluation, a student fails to meet the renewal criteria pursuant to this section, credit hours and grades earned during the following summer term may be used to satisfy the renewal requirements.* ~~If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once.~~ The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. ~~If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available.~~ The renewal, however, must not be granted until the student achieves the required cumulative grade point average *and earns the required number of hours*. If*, during* the summer term*, a student does not earn* ~~is not~~ sufficient *hours or* ~~to~~ raise the grade point average to the required renewal level, the *student shall not be eligible for an award* ~~student's next opportunity for renewal is the fall semester of~~ the following academic year.

(b) Reinstatement applies to students who were eligible but did not receive an award during the previous academic year or years, and who may apply to reestablish use of the scholarship. For reinstatement, a student must have been eligible at the time of the student's most recent Florida Bright Futures Scholarship eligibility determination. The student must apply for reinstatement by submitting a reinstatement application by the deadline established by the Department of Education.

(c) Restoration applies to students who lost scholarship eligibility as a result of not meeting the renewal grade point average or number of hours, or both, at a prior evaluation period. A student may restore eligibility by meeting the renewal grade point average during a subsequent renewal evaluation period. A student is eligible to receive such restoration only once. The student must submit an application for restoration by the deadline established by the Department of Education.

(2) A *Florida Academic Scholar or a Florida Medallion Scholar* ~~student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree~~ may receive an award for a maximum of 110 percent of the number of credit hours required to complete the *undergraduate* program.

(3) A Florida Academic Scholar or a Florida Medallion Scholar who is enrolled in a combined undergraduate/graduate program that terminates in the award of a postbaccalaureate degree, or the simultaneous award of baccalaureate and postbaccalaureate degrees, may receive an award for a maximum of 110 percent of the number of credit hours required to complete a standard undergraduate program at the institution attended, at the undergraduate rate.

(4) A *Florida Gold Seal Vocational Scholar* ~~student who is enrolled in a program that terminates in a technical certificate~~ may receive an award for *up to 90 semester* ~~a maximum of 110 percent of the~~ credit hours or *the equivalent* ~~clock hours required to complete the program up to 90 credit hours~~. A student who transfers from *the Florida Gold Seal Vocational Scholars award to the Florida Medallion Scholars award* ~~one of these program levels to another~~ becomes eligible for the higher of the two credit hour limits.

Section 8. Section 240.40204, Florida Statutes, is amended to read:

240.40204 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal*, reinstatement, or restoration* of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~ and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education institution that is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 9. Section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 240.40202, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient*; or*~~.~~

(g) Has been awarded the American International Certificate of Education Diploma from the University of Cambridge.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation *and*~~,~~ fees, *as defined by the department,* and $600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual $600.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida Academic Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 3.0 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for one *restoration* ~~reinstatement~~ as provided in this act.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall *be designated as an Academic Top Scholar and shall* receive an additional award of $1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 10. Section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida *Medallion* ~~Merit~~ Scholars award.—

(1) A student is eligible for a Florida *Medallion* ~~Merit~~ Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 240.40202, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.0201 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program*; or*~~.~~

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but has not completed a program of community service as provided in s. 240.40205; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 240.40205.

(2) A Florida *Medallion* ~~Merit~~ Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, *as defined by the department,* if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the *average* matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida *Medallion* ~~Merit~~ Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for ~~reinstatement~~ one *restoration* ~~time~~ as provided in this act.

Section 11. Section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) *Successfully* completes ~~the secondary school portion of a sequential program of studies that requires~~ at least three secondary school vocational credits *in one program of study, as identified by the Department of Education,* taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Conference or Workforce

Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. *By July 1, 2002, the Articulation Coordinating Committee shall identify the programs at each 4-year institution that qualify as planned, related postsecondary education programs.* On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative weighted grade point average of 3.0, as calculated pursuant to s. 240.40202, on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

~~(e) Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.~~

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, *as defined by the department,* if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal *or restoration* ~~award~~ as a Florida Gold Seal Vocational Scholar, a student must *meet the requirements of s. 240.40203 and the* ~~maintain the equivalent of a~~ grade point average *requirement* of 2.75 on a 4.0 scale*, or the equivalent,* for all postsecondary education work attempted*. A student may have*~~, with~~ an opportunity for ~~reinstatement~~ one *restoration* ~~time~~ as provided in this act.

(4) Beginning with the fall term of 2003, a Florida Gold Seal Vocational Scholars award may only be used by students who enroll in programs of 2 years or less at a vocational-technical institution, a community college, or a junior college unless the award is a renewal of an initial award issued prior to the fall term of 2003 or as otherwise provided for in this section. A student may use an award for a program at a 4-year institution if the program has been identified by the Articulation Coordinating Committee pursuant to subsection (1), the student meets the minimum State University System admissions requirements, and the institution certifies annually the student's continued enrollment in such program.

(5) Upon successful completion of an associate degree program or 60 hours, an award recipient who meets the renewal criteria in subsection (3) and enrolls in a baccalaureate degree program at an eligible postsecondary education institution is eligible to transfer to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

(6) If a Florida Gold Seal Vocational Scholar received an initial award prior to the fall term of 2003, and has a cumulative grade point average of 2.75 in all postsecondary education work attempted, the Department of Education may transfer the student to the Florida Medallion Scholars award component of the Florida Bright Futures Scholarship Program at any renewal period. Other than initial eligibility criteria, all other requirements of the Florida Medallion Scholars award shall apply to a student who transfers to that program pursuant to the provisions of this subsection. The number of hours for which a student may receive a Florida Medallion Scholars award shall be calculated by subtracting from the student's total eligibility pursuant to s. 240.40206(2) the number of hours for which the student has already received funding under the Florida Bright Futures Scholarship Program.

~~(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

Section 12. Section 240.40211, Florida Statutes, is created to read:

240.40211 Florida Bright Futures Scholarship Program targeted occupations.—

(1)(a) Using information provided by the Workforce Estimating Conference, the Department of Education, in consultation with the Legislature, shall identify targeted occupations that are high demand, high wage, and high skill for which the state's postsecondary education institutions provide the necessary education and training.

(b) The Department of Education shall identify the specific associate and baccalaureate degree programs, certificate programs, and applied technology diploma programs that are offered by postsecondary education institutions and prepare students for employment in the targeted occupations. The department shall provide such information to the postsecondary education institutions that participate in the Florida Bright Futures Scholarship Program.

(c) Identification of targeted occupations and degree, certificate, and diploma programs shall be completed, and updated annually thereafter, for use in providing awards pursuant to this section beginning with the 2002-2003 fall academic term.

(2) A Florida Bright Futures Scholarship award recipient who is enrolled at a vocational-technical institution, a community college, or a junior college in a program identified pursuant to paragraph (1)(b) is eligible to receive an additional $250 per semester, or the equivalent, for postsecondary education-related expenses.

(3) A Florida Bright Futures Scholarship award recipient who is enrolled at a baccalaureate-degree-granting institution in the upper division of a program identified pursuant to paragraph (1)(b) is eligible to receive an additional $500 per semester, or the equivalent, for postsecondary education-related expenses.

(4) Institutions that participate in the Florida Bright Futures Scholarship Program and offer a program identified pursuant to paragraph (1)(b) shall advise their students of the availability of the awards provided pursuant to this section.

(5) The department shall establish procedures for institutions to certify to the department the initial and continued eligibility status of any student who is eligible to receive an award pursuant to this section. A student's continued enrollment in an eligible program shall be certified by the institution each academic year.

(6) The department shall evaluate this component of the Florida Bright Futures Scholarship Program from its inception to determine, of the total number of students who receive awards pursuant to this section, the number who become employed in the occupation for which the award was provided. This evaluation shall be reported on an annual basis to the Governor and the Legislature.

(7) This award component of the Florida Bright Futures Scholarship Program shall be implemented to the extent funded in the General Appropriations Act. When funds are not sufficient to make full awards, the department shall reduce the amount of each recipient's award pro rata.

Section 13. *Section 240.40242, Florida Statutes, is repealed.*

Section 14. *Florida Bright Futures Scholarship Testing Program.—*

(1) By January 1, 2002, the Articulation Coordinating Committee shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the Articulation Coordinating Committee shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(3) Beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The Articulation Coordinating Committee shall identify the examinations that satisfy each component of this requirement.

(4) Initial award recipients for the 2001-2002 academic year who are eligible for a Florida Academic Scholars or a Florida Medallion Scholars award and who are admitted to and enroll in a community college or state university may choose, prior to registering for courses that may be earned through CLEP examination, to complete up to five CLEP examinations, one in each of the following areas: English; humanities; mathematics; natural sciences; and social sciences.

(5) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than $46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(6) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant to s. 240.115(6).

(7) The maximum number of credit hours for which a student is eligible to receive a Florida Bright Futures Scholarship Program award shall be reduced by the number of hours for which credit is awarded pursuant to this section.

(8) Beginning with the 2002-2003 award recipients, the Department of Education shall track and annually report on the effectiveness of the program, and include information on the number of students participating in the program; the CLEP examinations taken and the passage rate of Florida Academic Scholars and Florida Medallion Scholars award recipients; the use of Advanced Placement and International Baccalaureate examinations and dual enrollment courses to satisfy the requirements of the program; and the course credit provided.

Section 15. Subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by *an accrediting agency recognized by the United States Department of Education* ~~a member of the Commission on Recognition of Postsecondary Accreditation~~.

2.*a.* Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

b. A person who has been properly classified as a resident by a postsecondary institution for initial receipt of state-funded student financial assistance and has been determined eligible to participate in a financial assistance program may continue to qualify as a resident for state-funded financial aid programs if he or she maintains continuous enrollment at the postsecondary institution, with no break in enrollment greater than 12 consecutive months.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

Section 16. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, sections 240.2985 and 240.6054, Florida Statutes, shall not stand repealed on January 7, 2003, and are reenacted, renumbered as section 240.4084, Florida Statutes, and amended to read:

(Substantial rewording of sections. See ss. 240.2985 and 240.6054, F.S., for present text.)

240.4084 Ethics in Business Scholarship Program.—The Ethics in Business Scholarship Program is created to provide scholarships to students who are enrolled in postsecondary education institutions and who meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404. Moneys appropriated and allocated for such scholarships shall be matched by private donations for the purpose of providing ethics in business scholarships. The Ethics in Business Scholarship Program shall consist of the following components:

(1) Moneys appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Trust Fund for Major Gifts, pursuant to section 2 of chapter 97-381, Laws of Florida, shall be allocated to each university foundation on a matching basis equal to the amount of private funds received by such foundation for program purposes. Moneys appropriated and allocated to university foundations for purposes of the program shall be used to create endowments to provide scholarships to undergraduate students enrolled in state institutions of higher learning who register for one or more credit hours in business ethics courses and who have demonstrated a commitment to serve the interests of their community. First priority for award of scholarships shall be given to students who demonstrate financial need. The Board of Regents shall administer the provisions of this subsection.

(2) Moneys transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund, pursuant to section 3 of chapter 97-381, Laws of Florida, shall be allocated to provide ethics in business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 240.605. The funds shall be allocated to institutions for scholarships in the following ratio: two-thirds for community colleges and one-third for eligible independent institutions. These funds shall be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing ethics in business scholarships. The Department of Education shall administer the provisions of this subsection and may adopt rules for such administration. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this subsection.

Each institution that receives an allocation of funds shall submit to the Legislature an annual report of the matching funds collected and a profile of scholarship award recipients.

Section 17. Section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) State student assistance grants through the program may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of matriculation fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between $200 and the weighted average of the cost of matriculation and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission, the State Board of Community Colleges, and the Board of Regents. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or community college, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(7)~~(5)~~ Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(8)~~(6)~~ The State Board of Education shall establish rules necessary to implement this section.

Section 18. Section 240.4095, Florida Statutes, is amended to read:

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Private Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and in s. 240.40975, institutions shall first award funds administered pursuant to this section to students who met the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between $200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Independent Colleges and Universities of Florida. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)~~(5)~~ Funds appropriated by the Legislature for Florida private student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(8)~~(6)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 19. Section 240.4097, Florida Statutes, is amended to read:

240.4097 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2) The department is directed to establish an initial application deadline for funds administered pursuant to this section.

(3) Using the priorities established in this section and s. 240.40975, institutions shall first award funds administered pursuant to this section to students who meet the initial application deadline established pursuant to subsection (2). An institution may, at its discretion, award any remaining funds from this program to students who apply after the deadline date and who are otherwise eligible pursuant to this section.

(4)~~(2)~~(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to ~~full-time~~ degree-seeking students who *enroll in at least 6 semester hours, or the equivalent, per semester and who* meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by the State Board of Independent Colleges and Universities or exempt from licensure pursuant to s. 246.085(1)(a), excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 240.4095.

No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis.~~ Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term *and indicate whether or not the student met the application deadline established pursuant to subsection (2)*. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(5)~~(3)~~ Based on the unmet financial need of an eligible applicant, the amount of a Florida postsecondary student assistance grant must be between $200 and the average cost of matriculation and other registration fees for 30 credit hours at state universities plus $1,000 per academic year or the amount specified in the General Appropriations Act.

(6)~~(4)~~(a) The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula recommended by the Department of Education's Florida Council of Student Financial Aid Advisors and reviewed by the Postsecondary Education Planning Commission and the Florida Association of Postsecondary Schools and Colleges. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, *the number of eligible applicants who met the application deadline,* the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student*, shall indicate whether or not the student met the application deadline established pursuant to subsection (2),* and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and independent external audit. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(7)~~(5)~~ Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 240.4095 is eligible to receive grants pursuant to this section.

(8)~~(6)~~ Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(9)~~(7)~~ The State Board of Education shall adopt rules necessary to implement this section.

Section 20. Section 240.40975, Florida Statutes, is created to read:

240.40975 Florida student assistance grant programs; priority for receiving grants.—Priority in the distribution of grants provided pursuant to s. 240.409, s. 240.4095, or s. 240.4097 shall be given to eligible applicants in the following order:

(1) To full-time students with the greatest financial need as determined by the department.

(2) To full-time students with financial need who graduate from public Florida high schools, who have completed the high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses, and who rank in the top 20 percent of their high school graduating class. Class rank shall be determined by the Department of Education.

(3) To other full-time students with financial need.

(4) To part-time students with financial need, if funds are remaining.

Section 21. Subsection (3) of section 240.4128, Florida Statutes, is amended to read:

240.4128 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's public community colleges and its public and private universities that have teacher education programs.

(3) The total amount appropriated annually for new scholarships in the program must be divided by $4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. *Each participating institution shall report to the department, by the established date, the eligible students to whom scholarships are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.*

Section 22. Subsection (6) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(6) *Any* ~~Effective July 1, 1992, all new and existing~~ financial assistance programs authorized *by state law that are administered by the Bureau of Student Financial Assistance of the Department of Education and that* ~~under this part which~~ are not funded for 3 consecutive years after enactment shall stand repealed. Financial aid programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The *Bureau* ~~Office~~ of Student Financial Assistance of the Department of Education shall annually review the legislative appropriation of financial aid to identify such programs.

Section 23. Section 240.465, Florida Statutes, is amended to read:

240.465 Delinquent accounts.—

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

(2) The department is authorized to establish a recovery account into which unpaid and uncanceled scholarship loan note, student loan note, and defaulted guaranteed loan note accounts may be transferred.

(3) The department is authorized to settle any delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes and to employ the service of a collection agent when deemed advisable in collecting delinquent or defaulted accounts. However, no collection agent may be paid a commission in excess of 35 percent of the amount collected. Any expense incurred by the department in enforcing the collection of a loan note may be borne by the signer of the note and may be added to the amount of the principal of such note.

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan notes which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts. However, a delinquent account with a past due balance of $25 or less may be charged off as uncollectible when it becomes 6 months past due and the cost of further collection effort or assignment to a collection agent would not be warranted.

~~(5) No individual borrower who has been determined to be in default in making legally required scholarship loan, student loan, or guaranteed loan repayments shall be furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed.~~

(5)~~(6)~~ The department is authorized to charge an individual borrower who has been determined to be in default in making legally required loan repayments the maximum interest rate authorized by law.

(6)~~(7)~~ The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

Section 24. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.551, Florida Statutes, shall not stand repealed on January 7, 2003, and is reenacted and amended to read:

240.551 Florida Prepaid College Program.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest. It further recognizes that educational opportunity is best ensured through the provision of postsecondary institutions that are geographically and financially accessible. Accordingly, it is the intent of the Legislature that a program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment. It is similarly the intent of the Legislature to provide a program that fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees.

(2) DEFINITIONS.—

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to this section.

(b) "Board" means the Florida Prepaid College Board.

(c) "Fund" means the Florida Prepaid College Trust Fund.

(d) "Program" means the Florida Prepaid College Program.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to subsection (22), a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means matriculation fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any community college identified in s. 240.3031 or university identified in s. 240.2011.

(3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.—There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a

state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(4) FLORIDA PREPAID COLLEGE TRUST FUND.—There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47. Dividends, interest, and gains accruing to the trust fund shall increase the total funds available for the program. Notwithstanding the provisions of chapter 717, funds associated with terminated contracts pursuant to subsection (12) and canceled contracts for which no refunds have been claimed shall increase the total funds available for the program. However, the board shall establish procedures for notifying purchasers who subsequently cancel their contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that dividends, interest, and gains exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10. Any funds of a direct-support organization created pursuant to subsection (22) shall be exempt from the provisions of this subsection.

(5) PROGRAM ADMINISTRATION.—

(a) The Florida Prepaid College Program shall be administered by the Florida Prepaid College Board as an agency of the state. The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in this section.

(b) The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, the Comptroller, the Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(c) The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.—The board shall:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Administer the fund in a manner that is sufficiently actuarially sound to defray the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(c) Establish a comprehensive investment plan for the purposes of this section with the approval of the State Board of Administration. The comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of the fund. The board may place assets of the fund in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons who are duly authorized by applicable federal and state authorities. Within the comprehensive investment plan, the board may authorize investment vehicles, or products incident thereto, as may be available or offered by qualified companies or persons. A contract purchaser may not direct the investment of his or her contribution to the trust fund, and a contract beneficiary may not direct the contribution made on his or her behalf to the trust fund. Board members and employees of the board are not prohibited from purchasing advance payment contracts by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the board.

(d) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the Florida Prepaid College Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall be solely responsible for the marketing of the program. Any materials produced for the purpose of marketing the program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent.

(e) Solicit proposals and contract, pursuant to s. 287.057, for a trustee services firm to select and supervise investment programs on behalf of the board. The goals of the board in selecting a trustee services firm shall be to obtain the highest standards of professional trustee services, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Adequacy of trustee services for supervision and management of the program, including current operations and staff organization and commitment of management to the proposal.

2. Capability to execute program responsibilities within time and regulatory constraints.

3. Past experience in trustee services and current ability to maintain regular and continuous interactions with the board, records administrator, and product provider.

4. The minimum purchaser participation assumed within the proposal and any additional requirements of purchasers.

5. Adequacy of technical assistance and services proposed for staff.

6. Adequacy of a management system for evaluating and improving overall trustee services to the program.

7. Adequacy of facilities, equipment, and electronic data processing services.

8. Detailed projections of administrative costs, including the amount and type of insurance coverage, and detailed projections of total costs.

(f) Solicit proposals and contract, pursuant to s. 287.057, for product providers to develop investment portfolios on behalf of the board to achieve the purposes of this section. Product providers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All product providers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each product provider shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories approved by the Insurance Commissioner and Treasurer shall be eligible for board consideration. Each investment company shall provide investment plans as specified within the request for proposals. The goals of the board in selecting a product provider company shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past and current investment performance, including investment and interest rate history, guaranteed minimum rates of interest, consistency of investment performance, and any terms and conditions under which moneys are held.

3. Past experience and ability to provide timely and accurate service in the areas of records administration, benefit payments, investment management, and complaint resolution.

4. Financial history and current financial strength and capital adequacy to provide products, including operating procedures and other methods of protecting program assets.

(7) FLORIDA PREPAID COLLEGE BOARD; POWERS.—The board shall have the powers necessary or proper to carry out the provisions of this section, including, but not limited to, the power to:

(a) Adopt an official seal and rules.

(b) Sue and be sued.

(c) Make and execute contracts and other necessary instruments.

(d) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(e) Invest funds not required for immediate disbursement.

(f) Appear in its own behalf before boards, commissions, or other governmental agencies.

(g) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(h) Require a reasonable length of state residence for qualified beneficiaries.

(i) Restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(j) Segregate contributions and payments to the fund into various accounts and funds.

(k) Contract for necessary goods and services, employ necessary personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for administrative or technical assistance.

(l) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of this section.

(m) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract on a fraudulent basis.

(n) Procure insurance against any loss in connection with the property, assets, and activities of the fund or the board.

(o) Impose reasonable time limits on use of the tuition benefits provided by the program. However, any such limitation shall be specified within the advance payment contract.

(p) Delineate the terms and conditions under which payments may be withdrawn from the fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract.

(q) Provide for the receipt of contributions in lump sums or installment payments.

(r) Require that purchasers of advance payment contracts verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(s) Delegate responsibility for administration of the comprehensive investment plan required in paragraph (6)(c) to a person the board determines to be qualified. Such person shall be compensated by the board. Directly or through such person, the board may contract with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary or proper by the board or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

(t) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and the purchasers and beneficiaries thereof, which may be issued in the form of a group life policy and which is exempt from the provisions of part V of chapter 627.

(u) Solicit proposals and contract, pursuant to s. 287.057, for the services of a records administrator. The goals of the board in selecting a records administrator shall be to provide all purchasers with the most secure, well-diversified, and beneficially administered postsecondary education expense plan possible, to allow all qualified firms interested in providing such services equal consideration, and to provide such services to the state at no cost and to the purchasers at the lowest cost possible. Evaluations of proposals submitted pursuant to this paragraph shall include, but not be limited to, the following criteria:

1. Fees and other costs charged to purchasers that affect account values or operational costs related to the program.

2. Past experience in records administration and current ability to provide timely and accurate service in the areas of records administration, audit and reconciliation, plan communication, participant service, and complaint resolution.

3. Sufficient staff and computer capability for the scope and level of service expected by the board.

4. Financial history and current financial strength and capital adequacy to provide administrative services required by the board.

(v) Establish other policies, procedures, and criteria to implement and administer the provisions of this section.

(w) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(8) QUALIFIED STATE TUITION PROGRAM STATUS.—Notwithstanding any other provision of this section, the board may adopt rules necessary to enable the program to retain its status as a "qualified state tuition program" in order to maintain its tax exempt status or other similar status of the program, purchasers, and qualified beneficiaries under the Internal Revenue Code of 1986, as defined in s. 220.03(1). The board shall inform purchasers of changes to the tax or securities status of contracts purchased through the program.

(9) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. The cost of participation in the community college plan shall be based primarily on the average current and projected registration fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.35, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. The cost of purchasing such fees shall be based primarily on the average current and projected fees within the Florida Community College System and the number of years expected to elapse between the purchase of the plan on behalf of the beneficiary and the exercise of benefits provided in the plan by such beneficiary. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. The cost of participation in the university plan shall be based primarily on the current and projected registration fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 240.1201, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 240.235(1), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. The costs of purchasing such fees shall be based primarily on the average current and projected cost of these fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of the qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in subsection (2).

(c) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency opportunities, whichever is less.

(10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.—A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) Any eligible independent college or university. An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the *Accrediting Council for Independent Colleges and Schools* ~~Accrediting Commission of the Association of Independent Colleges and Schools~~, and that confers degrees as defined in s. 246.021, is eligible for such application. The board shall transfer, or cause to have transferred, to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(b) An eligible out-of-state college or university. An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees, is eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract *at a state postsecondary institution* ~~or the original purchase price plus 5 percent compounded interest, whichever is less, after~~

~~assessment of a reasonable transfer fee~~. If the cost of registration or housing fees charged the qualified beneficiary at the eligible out-of-state college or university is less than this calculated amount, the amount transferred shall not exceed the actual cost of registration or housing fees. Any remaining amount shall be transferred in subsequent semesters until the transfer value is depleted. A transfer authorized under this paragraph may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.

(c) An applied technology diploma program or vocational certificate program conducted by a community college listed in s. 240.3031 or an area technical center operated by a district school board. The board shall transfer or cause to be transferred to the community college or area technical center designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract *at* ~~within~~ a state postsecondary institution. If the cost of the fees charged by the college or center, as authorized in s. 239.117, is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of the fees. A transfer authorized under this paragraph may not exceed the number of semester credit hours contracted on behalf of a qualified beneficiary.

Notwithstanding any other provision in this section, an institution must be an “eligible educational institution” under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(11) ADVANCE PAYMENT CONTRACTS; CONTENTS.—The board shall construct advance payment contracts for registration and may construct advance payment contracts for dormitory residence as provided in this section. Advance payment contracts constructed for the purposes of this section shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (22) *or subsection (23)*, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) Other terms and conditions deemed by the board to be necessary or proper.

(12) DURATION OF BENEFITS; ADVANCE PAYMENT CONTRACT.—An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this subsection. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this subsection shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this subsection. Such moneys retained by the board are exempt from chapter 717, and such retained moneys must be used by the board to further the purposes of this section.

(13) REFUNDS.—

(a) Except as provided in paragraphs (b)*,* ~~and~~ (c), *and (f),* no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be *refunded* ~~returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in *an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be *refunded* ~~returned~~ to the purchaser *in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution* ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less~~.

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(f) Benefits purchased under the Florida Prepaid College Program shall be permitted to roll over to a college savings program, as defined under s. 529 of the United States Internal Revenue Code, relating to qualified state tuition programs. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution in Florida at the time of the rollover, after assessment of a reasonable transfer fee.

(14) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account

activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(15) OBLIGATIONS OF BOARD; PAYMENT.—The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.—The assets of the fund shall be maintained, invested, and expended solely for the purposes of this section and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of this section. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary institutions on behalf of qualified beneficiaries.

(b) To make refunds upon termination of advance payment contracts.

(c) To pay the costs of program administration and operations.

(17) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or out of the fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract made under this section, which contract has not been terminated, are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the beneficiary. Neither moneys paid into the program nor benefits accrued through the program may be pledged for the purpose of securing a loan.

(18) PAYROLL DEDUCTION AUTHORITY.—The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with this section.

(19) DISCLAIMER.—Nothing in this section shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

(20) PROGRAM TERMINATION.—In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(21) ANNUAL REPORT.—The board shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of the fund and a description of the financial condition of the program at the close of each fiscal year. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and members of the State Board of Education on or before March 31 each year. In addition, the board shall make the report available to purchasers of advance payment contracts. The board shall provide to the Board of Regents and the State Board of Community Colleges, by March 31 each year, complete advance payment contract sales information, including projected postsecondary enrollments of qualified beneficiaries. The accounts of the fund shall be subject to annual audits by the Auditor General or his or her designee.

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(a) The board may establish a direct-support organization which is:

1. A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the program.

3. An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state. Unless so certified, the organization may not use the name of the program.

(b) The direct-support organization shall operate under written contract with the board. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

2. Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

3. An annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules adopted by the board.

4. Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

5. The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

6. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

7. The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(c) An annual financial and compliance audit of the financial accounts and records of the direct-support organization must be performed by an independent certified public accountant. The audit must be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review. The board and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(d) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name*, at a minimum,* three other individuals to serve as directors of the organization.

(f) The board may authorize the direct-support organization established in this subsection to use program property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(g) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

(23) SCHOLARSHIPS.—A nonprofit organization described in s. 501 (c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 25. Section 240.6053, Florida Statutes, is created to read:

240.6053 Academic program contracts.—

(1) Academic program contracts with independent institutions recommended by the Postsecondary Education Planning Commission pursuant to s. 240.147(4), and approved by the State Board of Education pursuant to s. 229.053(2), shall be administered by the Department of Education.

(2) Funding for such contracts shall be based on the average cost to the state to provide similar programs in the State University System or an amount specified in the General Appropriations Act.

(3) Priority for academic program contract support shall be given to students with demonstrated financial need. To be eligible for such support, a student shall meet the general requirements for student eligibility for state financial aid pursuant to s. 240.404.

(4) The tuition and fees assessed students supported through an academic program contract shall not exceed the amount required to pay the average matriculation and fees for a comparable program at a state university.

(5) The amount an institution receives per student for funding pursuant to this section, plus the tuition and fees paid by the student, plus the value of the Florida Resident Access Grant received by the student shall not exceed the full cost per student to the state of a similar program in the State University System.

(6) Institutions receiving support pursuant to this section shall annually submit to the department data on performance measures, including, but not limited to, degrees granted, graduation rates, licensure or certification rates of graduates where applicable, and employment in Florida.

Section 26. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees *as defined by the Department of Education*, board, and room rent and to buy books and supplies for the children of*:*

(a) Deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, *s. 295.019,* or s. 295.0195*; or*~~, or of~~

(b) Parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015.~~, who are~~

(2) Such children must be between the ages of 16 and 22 years and ~~who are~~ in attendance at*:*

(a) A state-supported institution of higher learning, including a community college or vocational-technical school*; or*~~.~~

(b) A postsecondary education institution eligible to participate in the Florida Bright Futures Scholarship Program. A student attending an eligible independent postsecondary education institution may receive an award equivalent to the average matriculation and fees calculated for full-time attendance at a public postsecondary education institution at the comparable level.

Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(3) The Department of Education shall administer this educational program subject to *rules* ~~regulations~~ of the *State Board of Education* ~~department~~. *The state board is authorized to adopt rules to implement the provisions of this program.*

Section 27. 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: the entire title

and insert in lieu thereof: 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; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; 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; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; 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; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; 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; requiring annual reporting of the effectiveness of the program; 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; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; 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.

Rep. Baxley moved the adoption of the amendment.

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 343939)

Amendment 1 to Amendment 1 (with title amendment)—On page 78, between lines 27 and 28 of the amendment

insert:

Section 26. *There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of $200,000.*

And the title is amended as follows:

On page 84, line 1, of the amendment

after the semicolon insert: providing an appropriation;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment, which was adopted.

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

Reconsideration

On motion by Rep. Frankel, the House reconsidered the vote by which **Amendment 1 to Amendment 1** was adopted.

On motion by Rep. Frankel, further consideration of **SB 1162** was temporarily postponed under Rule 11.10.

Bills and Joint Resolutions on Third Reading

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

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

Session Vote Sequence: 394

Yeas—111

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

Nays—5

Brummer	Siplin	Smith	Wishner
Joyner			

Votes after roll call:
Yeas to Nays—Peterman, Wilson

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

REPRESENTATIVE BALL IN THE CHAIR

CS/CS/HB 179—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities; providing an effective date.

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

Session Vote Sequence: 395

Yeas—117

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Farkas	Joyner	Pickens
Baker	Fasano	Justice	Prieguez
Barreiro	Feeney	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kosmas	Ritter
Bendross-Mindingall	Flanagan	Kottkamp	Romeo
Bennett	Frankel	Kravitz	Ross
Bense	Gannon	Kyle	Rubio
Benson	Garcia	Lacasa	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	Spratt
Bullard	Harper	Maygarden	Stansel
Byrd	Harrell	McGriff	Trovillion
Cantens	Harrington	Meadows	Wallace
Carassas	Hart	Mealor	Waters
Clarke	Henriquez	Melvin	Weissman
Crow	Heyman	Miller	Wiles
Cusack	Hogan	Murman	Wilson
Davis	Holloway	Needelman	Wishner
Detert	Jennings	Negron	
Diaz-Balart	Johnson	Paul	
Dockery	Jordan	Peterman	

Nays—None

Votes after roll call:
Yeas—Kilmer

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

CS/HB 365 was taken up. On motion by Rep. Hogan, the rules were waived and—

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was substituted for CS/HB 365 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Hogan, the rules were waived and CS for SB 840 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 396

Yeas—116

The Chair	Bennett	Clarke	Garcia
Alexander	Bense	Crow	Gardiner
Allen	Benson	Cusack	Gelber
Andrews	Berfield	Davis	Gibson
Argenziano	Betancourt	Detert	Goodlette
Arza	Bilirakis	Diaz-Balart	Gottlieb
Attkisson	Bowen	Dockery	Green
Atwater	Brown	Farkas	Greenstein
Ausley	Brummer	Fasano	Haridopolos
Baker	Brutus	Feeney	Harper
Barreiro	Bucher	Fields	Harrell
Baxley	Bullard	Fiorentino	Harrington
Bean	Byrd	Flanagan	Hart
Bendross-Mindingall	Cantens	Gannon	Henriquez

Heyman	Lacasa	Murman	Seiler
Hogan	Lee	Needelman	Siplin
Holloway	Lerner	Negron	Slosberg
Jennings	Littlefield	Paul	Smith
Johnson	Lynn	Peterman	Sobel
Jordan	Machek	Pickens	Sorensen
Joyner	Mack	Prieguez	Spratt
Justice	Mahon	Rich	Stansel
Kallinger	Mayfield	Richardson	Trovillion
Kendrick	Maygarden	Ritter	Wallace
Kilmer	McGriff	Romeo	Waters
Kosmas	Meadows	Ross	Weissman
Kottkamp	Mealor	Rubio	Wiles
Kravitz	Melvin	Russell	Wilson
Kyle	Miller	Ryan	Wishner

Nays—2

Carassas	Frankel

Votes after roll call:
Yeas—Diaz de la Portilla

So the bill passed and was immediately certified to the Senate.

HB 1395—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; amending s. 320.05, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 320, F.S., shall not be considered law enforcement functions; providing an effective date.

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

Session Vote Sequence: 397

Yeas—115

The Chair	Cantens	Haridopolos	Lynn
Alexander	Carassas	Harper	Machek
Allen	Clarke	Harrell	Mack
Andrews	Crow	Harrington	Mahon
Argenziano	Cusack	Hart	Mayfield
Arza	Davis	Henriquez	Maygarden
Atwater	Detert	Heyman	McGriff
Ausley	Diaz-Balart	Hogan	Meadows
Baker	Dockery	Holloway	Mealor
Barreiro	Farkas	Jennings	Melvin
Baxley	Fasano	Johnson	Miller
Bean	Feeney	Jordan	Murman
Bendross-Mindingall	Fields	Joyner	Needelman
Bennett	Fiorentino	Justice	Negron
Bense	Flanagan	Kallinger	Paul
Benson	Frankel	Kendrick	Peterman
Berfield	Gannon	Kilmer	Pickens
Bilirakis	Garcia	Kosmas	Prieguez
Bowen	Gardiner	Kottkamp	Rich
Brown	Gelber	Kravitz	Ritter
Brummer	Gibson	Kyle	Romeo
Brutus	Goodlette	Lacasa	Ross
Bucher	Gottlieb	Lee	Rubio
Bullard	Green	Lerner	Russell
Byrd	Greenstein	Littlefield	Ryan

Seiler	Sobel	Trovillion	Wiles
Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner
Smith	Stansel	Weissman	

Nays—2

Betancourt	Richardson

Votes after roll call:
Yeas—Diaz de la Portilla
Nays to Yeas—Betancourt, Richardson

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

CS/CS/HB 617 was taken up. On motion by Rep. Harper, the rules were waived and—

CS for SB 322—A bill to be entitled An act relating to the disposition of 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 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 correctional staff; amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender’s record; providing an effective date.

—was substituted for CS/CS/HB 617 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Harper, the rules were waived and CS for SB 322 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 398

Yeas—115

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

Nays—None

Votes after roll call:
Yeas—Diaz de la Portilla

So the bill passed and was immediately certified to the Senate.

Consideration of **CS for CS for SB 1346** was temporarily postponed under Rule 11.10.

Consideration of **HB 1861** was temporarily postponed under Rule 11.10.

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

Session Vote Sequence: 399

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Detert, Diaz de la Portilla

So the bill passed and was immediately certified to the Senate.

HB 1861—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Session Vote Sequence: 400

Yeas—112

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

Nays—None

Votes after roll call:
Yeas—Diaz de la Portilla, Kilmer

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

Special Orders

Continuation of Special Order Calendar

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Diaz-Balart to adopt Amendment 1 to Amendment 1.

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

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 802491)

Amendment 2 to Amendment 1 (with title amendment)—On page 1, between lines 17 and 18, of the amendment

insert:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended to read:

231.40 Sick leave.—

(3) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis *is* ~~shall be~~ entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee *is* ~~shall be~~ entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days *of sick leave* available to him or her, the district school board may withhold the average daily amount for the *days of* sick *leave used* ~~days utilized~~ but unearned by the employee. Such leave *may* ~~shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed *in this section*. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons *must* ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons *is* ~~shall be~~ noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay *may* ~~shall~~ not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay *may* ~~shall~~ not exceed ~~an amount determined as follows:~~

~~a.~~ one-fourth of all unused sick leave accumulated on or after July 1, *2001, and may* ~~1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. *This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.*

b. For unused sick leave accumulated *before* ~~prior to~~ July 1, *2001* ~~1995~~, terminal payment shall be made pursuant to a district school board's policies*, contracts, or rules that* ~~which~~ are in effect on *June 30, 2001* ~~July 1, 1995~~.

c. If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal-pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

And the title is amended as follows:

On page 80, lines 11 and 12, of the amendment
remove: all of said lines

and insert in lieu thereof: An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.621, F.S.;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment.

THE SPEAKER IN THE CHAIR

Point of Order

Rep. Heyman raised a point of order, under Rule 12.9, that the amendment was not germane.

Subsequently, Rep. Heyman withdrew the point of order.

The question recurred on the adoption of Amendment 2 to Amendment l, which was withdrawn.

Further consideration of **SB 1162**, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 1346 on Special Orders.

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; 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; 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; providing an effective date.

—was read the second time by title. On motion by Rep. Detert, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 401

Yeas—113

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

Nays—None

Votes after roll call:
Yeas—McGriff

So the bill passed and was immediately certified to the Senate.

Continuation of Bills and Joint Resolutions on Third Reading

HB 163—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.04, F.S.; providing an exemption for admissions to tournament games played for the purpose of qualifying for a national collegiate championship game or played in a collegiate athletic conference championship tournament; amending s. 212.08, F.S.; providing that publicly owned facilities within certain municipalities at which a collegiate football team is based may use the proceeds of sales taxes generated by the facility for the purpose of renovating the facility; providing for reporting and remitting of such taxes; providing effective dates.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 595619)

Technical Amendment 6—On page 1, line 12,
remove from the bill: may

and insert in lieu thereof: shall

and on page 1, line 14, after "renovating"

insert: and expanding

and on page 1, line 15, after the semicolon

insert: providing for expiration; providing for reimbursement of retained sales taxes to the state under certain conditions;

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

The question recurred on the passage of HB 163. The vote was:

Session Vote Sequence: 402

Yeas—81

The Chair	Cantens	Heyman	Negron
Allen	Carassas	Hogan	Pickens
Andrews	Clarke	Holloway	Prieguez
Argenziano	Crow	Johnson	Ritter
Arza	Davis	Jordan	Rubio
Attkisson	Diaz de la Portilla	Kendrick	Russell
Atwater	Diaz-Balart	Kilmer	Ryan
Baker	Farkas	Kosmas	Seiler
Ball	Fasano	Kottkamp	Simmons
Barreiro	Fiorentino	Kravitz	Siplin
Baxley	Flanagan	Kyle	Slosberg
Bean	Garcia	Lacasa	Sobel
Bendross-Mindingall	Gardiner	Littlefield	Sorensen
Bense	Gelber	Lynn	Spratt
Benson	Goodlette	Mack	Stansel
Berfield	Green	Mahon	Trovillion
Betancourt	Greenstein	Maygarden	Wallace
Bilirakis	Haridopolos	McGriff	Waters
Brummer	Harrell	Mealor	
Brutus	Hart	Melvin	
Bullard	Henriquez	Needelman	

Nays—30

Alexander	Dockery	Kallinger	Romeo
Ausley	Fields	Lerner	Ross
Bennett	Frankel	Machek	Smith
Bowen	Gannon	Meadows	Weissman
Brown	Gibson	Miller	Wilson
Bucher	Jennings	Peterman	Wishner
Cusack	Joyner	Rich	
Detert	Justice	Richardson	

Votes after roll call:
Yeas—Gottlieb
Nays—Murman

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

Special Orders

Continuation of Special Order Calendar

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

—was read the second time by title. On motion by Rep. Prieguez, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 403

Yeas—116

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

Nays—1

Ausley

Votes after roll call:
Yeas—Wiles
Nays to Yeas—Ausley

So the bill passed and was immediately certified to the Senate.

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rulemaking authority to the Department of Health; amending s. 409.911, F.S.; redefining the term "charity care" or

"uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the second time by title. On motion by Rep. Littlefield, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 404

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

Consideration of **HB 1931** was temporarily postponed under Rule 11.10.

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; 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: 405

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Gelber, Heyman

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Lacasa, the House moved to the consideration of HB 1931.

Bills and Joint Resolutions on Third Reading

Consideration of **HB 1931** was temporarily postponed under Rule 11.10.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

HB 1669 was taken up. On motion by Rep. Gibson, the rules were waived and—

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—was substituted for HB 1669 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Gibson, the rules were waived and SB 1394 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 406

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 719—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was read the third time by title.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 600455)

Amendment 1—On page 6, lines 4 and 5,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. This act shall take effect October 1, 2001.

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

The question recurred on the passage of CS/CS/HB 719. The vote was:

Session Vote Sequence: 407

Yeas—118

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

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

Nays—None

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

CS/HB 1541—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

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

Session Vote Sequence: 408

Yeas—116

The Chair	Betancourt	Feeney	Henriquez
Alexander	Bilirakis	Fields	Heyman
Allen	Bowen	Fiorentino	Hogan
Andrews	Brown	Flanagan	Holloway
Argenziano	Brummer	Frankel	Jennings
Arza	Brutus	Gannon	Johnson
Attkisson	Bullard	Garcia	Jordan
Atwater	Byrd	Gardiner	Joyner
Ausley	Cantens	Gelber	Justice
Baker	Clarke	Gibson	Kallinger
Ball	Crow	Goodlette	Kendrick
Barreiro	Cusack	Gottlieb	Kilmer
Baxley	Davis	Green	Kosmas
Bean	Detert	Greenstein	Kottkamp
Bendross-Mindingall	Diaz de la Portilla	Haridopolos	Kravitz
Bennett	Diaz-Balart	Harper	Kyle
Bense	Dockery	Harrell	Lacasa
Benson	Farkas	Harrington	Lee
Berfield	Fasano	Hart	Littlefield

Lynn	Murman	Romeo	Sorensen
Machek	Needelman	Ross	Spratt
Mack	Negron	Rubio	Stansel
Mahon	Paul	Russell	Trovillion
Mayfield	Peterman	Ryan	Wallace
McGriff	Pickens	Seiler	Waters
Meadows	Prieguez	Simmons	Weissman
Mealor	Rich	Slosberg	Wiles
Melvin	Richardson	Smith	Wilson
Miller	Ritter	Sobel	Wishner

Nays—3

Bucher	Carassas	Lerner

So the bill passed and was immediately certified to the Senate.

HB 1585—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for social security numbers and financial account numbers which are contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

Session Vote Sequence: 409

Yeas—115

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

Nays—2

Carassas	Kallinger

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

HB 1681 was taken up. On motion by Rep. Miller, the rules were waived and—

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.

—was substituted for HB 1681 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Miller offered the following:

(Amendment Bar Code: 255577)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (18) through (27) of section 482.021, Florida Statutes, are redesignated as subsections (19) through (28), respectively, and a new subsection (18) is added to that section, to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(18) "New construction" means the erection of a new building or the construction of an addition to an existing building, which encloses a space and requires a building permit under applicable building codes.

Section 2. Subsection (6) is added to section 482.051, Florida Statutes, to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(6) That the department may issue an immediate stop-use or stop-work order for fumigation performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including, but not limited to, failure to use required personal protective equipment, failure to use a required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

Section 3. Section 482.0815, Florida Statutes, is created to read:

482.0815 Permit to perform preventive termite treatment services for new construction only.—

(1) A licensee must have a permit to perform preventive termite treatments for new construction, except for preventive termite treatments on additions to existing structures for which the licensee has a current termite treatment contract.

(2) A permit shall be automatically renewed upon renewal of the license held by the licensee, unless the permit has been suspended, revoked, or otherwise denied.

(3) A permit shall be probationary for 120 days after a licensee is found to be in violation of s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, and treatment areas, except for provisions governing recordkeeping. A licensee whose permit is on probationary status must provide advance notice to the department of any preventive treatment planned for new construction.

(4) A licensee's permit shall be suspended for a 30-day to 90-day period if:

(a) The licensee whose permit is on probationary status violates s. 482.051(5) or a rule relating to the application of specific amounts, concentrations, or treatment areas, except for provisions governing recordkeeping, at three or more sites on three or more separate dates;

(b) The licensee violates s. 482.051(3) or a rule with respect to three contracts within 2 years and the violation is failure to comply with contractual obligations to re-treat a wood-destroying-organism infestation or to repair damage caused by wood-destroying organisms when required by the contract. If a licensee makes a good-faith offer to repair damage covered by a valid contract, the licensee must be considered to be in compliance with the contractual obligation;

(c) The licensee violates subsection (9); or

(d) The licensee violates the recordkeeping requirements of s. 482.051(5) three or more times within 2 years.

(5) A suspended permit may be reinstated after the period of the suspension if the licensee's license is in good standing.

(6) The permit of a licensee whose permit has been suspended within the previous 3 years shall be revoked if the licensee subsequently meets any of the conditions of subsection (4).

(7) The department may not issue a permit or renew the permit to perform preventive termite treatments if the applicant or licensee or any of its directors, officers, owners, or general partners are or were directors, officers, owners, or general partners of a pest control business that went out of business or sold the business within 5 years immediately preceding the date of application or renewal and failed to reimburse the prorated renewal fee of any customer's remaining wood-destroying-organism contract periods or failed to provide for another licensed pest control operator to assume its existing wood-destroying-organism contract responsibility.

(8) A licensee must conspicuously display its current permit at all business locations, each of which must have a separate permit.

(9) A licensee holding a permit must maintain accurate records of all pesticides purchased, obtained, or available for its use; the total amount of the area treated using soil applied termiticides; and the total number of sites treated using this and any other method of treatment. These records must be made available to the department upon request. The amount of pesticides purchased, obtained, or otherwise available must at least equal the amount required by the pesticide label to treat the area or number of sites treated.

(10) The department shall suspend the license of any licensee who performs preventive termite treatments for new construction while its permit is suspended or revoked.

(11) The department shall adopt rules necessary to administer this section.

Section 4. Subsection (10) is added to section 482.091, Florida Statutes, to read:

482.091 Employee identification cards.—

(10) In addition to the training required by s. 482.091(3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

Section 5. Paragraph (b) of subsection (2) of section 482.132, Florida Statutes, is amended to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for a pest control operator's certificate must possess the minimum qualifications specified in one of the following paragraphs:

(b) A degree with advanced training or a major in entomology, botany, agronomy, or horticulture from a recognized college or university, which training or major included the completion of at least 20 semester hours or 30 quarter hours of college credits in those subjects, plus 1 year's employment as a service employee of a licensee that performs pest control in the category or categories in which the applicant seeks certification *or the successful completion of a 1-year entomology program at a public university in this state which specializes in urban pest management and includes practical pest management experience*. If such advanced training or major is in entomology, the applicant is qualified for examination in all categories; but if such advanced training or major is in botany, agronomy, or horticulture, the applicant is qualified for examination only in the category of lawn and ornamental pest control.

Section 6. Subsection (4) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(4) Any charge of a violation of this chapter or of the rules adopted pursuant to this chapter by a licensee affects only the license *or permit* of the business location from which the violation is alleged to have occurred. Another license *or permit* may not be issued to the same licensee, or to any person who has an ownership interest in the suspended or revoked business license of the licensee and who knew or should have known of the violation that resulted in the suspension or revocation, for a new business location in the same county or any contiguous county for a period of 3 years after the effective date of the suspension or revocation.

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) Regulations that:

1. Require, for multi-complex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)~~(c)~~ Protection of wellhead protection areas and high recharge areas.

(e)~~(d)~~ Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)~~(e)~~ Hazardous material unlawful discharge and disposal.

(g)~~(f)~~ Hazardous materials remediation.

Section 8. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 3-24,
remove from the title of the bill: all of said lines

and insert in lieu thereof: 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.

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

On motion by Rep. Miller, the rules were waived and CS for SB 2042, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 410

Yeas—119

Alexander
Allen
Andrews
Argenziano
Arza
Attkisson
Atwater
Ausley
Baker
Ball
Barreiro
Baxley
Bean
Bendross-Mindingall
Bennett
Bense
Benson
Berfield
Betancourt
Bilirakis
Bowen
Brown
Brummer
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas
Clarke
Crow
Cusack
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
Harrell
Harrington
Hart
Henriquez
Heyman
Hogan
Holloway
Jennings
Johnson
Jordan
Joyner
Justice
Kallinger
Kendrick
Kilmer
Kosmas
Kottkamp
Kravitz
Kyle
Lacasa
Lee
Lerner
Littlefield
Lynn
Machek
Mack
Mahon
Mayfield
McGriff
Meadows
Mealor
Melvin
Miller
Murman
Needelman
Negron
Paul
Peterman
Pickens
Prieguez
Rich
Richardson
Ritter
Romeo
Ross
Rubio
Russell
Ryan
Seiler
Simmons
Siplin
Slosberg
Smith
Sobel
Sorensen
Spratt
Stansel
Trovillion
Wallace
Waters
Weissman
Wiles
Wilson
Wishner

Nays—None

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

Consideration of **CS/HB 1189** was temporarily postponed under Rule 11.10.

CS/HBs 1617 & 1487—A bill to be entitled An act relating to growth management; creating s. 163.2524, F.S.; directing the Department of Community Affairs to compile a revitalization manual; amending 163.3174, F.S.; providing that all non-public schools shall be exempt from impact fees; providing for school board representation on the local planning agency; amending s. 163.3177, F.S.; conforming language; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to transmit such element according to the adopted schedule; creating s. 163.31777, F.S.; requiring that local governments consider the adequacy of public school facilities when considering certain comprehensive plan amendment and rezoning applications; providing duties of the school board; requiring denial of such applications under certain conditions; creating a Neighborhood School Construction Zone pilot project; providing for procedures; providing that impact fees within the zone must be place in a facilities construction trust fund for that zone; providing additional funding; provides that the Florida Smart Schools Clearinghouse oversees the pilot projects and that it must submit a report regarding the programs feasibility; amending s. 163.3180, F.S.; revising provisions relating to exceptions from the concurrency requirement for transportation facilities; requiring that such an exception be granted under certain conditions; amending s. 163.3181, F.S.; revising provisions relating to public participation in the comprehensive planning process; providing requirements for local governments' citizen participation procedures; providing for assistance from the department; amending s. 163.3184; F.S.; revising the definition of "affected person"; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; revising requirements relating to small scale development amendments which

are exempt from the limitation on the frequency of amendments to a local comprehensive plan; revising acreage requirements; revising a condition relating to residential land use; removing a provision that allows a local government to elect to have such amendments subject to review under s. 163.3184(3)-(6), F.S.; amending s. 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of local government land use decisions; creating a commission to oversee development of fiscal impact models; providing for field tests of the models developed; providing for approval of a uniform model by the commission and submission of a report and recommendations to the Governor and Legislature; providing for a $500,000 appropriation to the Department of Community Affairs to implement program; creating s. 163.3202(6); providing legislative intent regarding electric utilities and substations; providing prohibition on local governments regarding substations; prohibits denial of substation under certain conditions; amending s. 163.3215, F.S.; revising procedures for challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.356, F.S.; authorizing certain counties and municipalities to create more than one community redevelopment agency; amending s. 212.055, F.S.; increasing the maximum allowable combined rate for the local government infrastructure surtax and small county surtax; requiring referendum approval of the small county surtax at such increased combined rate; creating s. 163.325, F.S.; providing definitions; authorizing the department to provide specified types of financial assistance to local governments for infrastructure needs and providing requirements with respect thereto; requiring an annual report; providing application requirements; directing the department to adopt a priority system; providing penalties for delinquent loans; providing for management of loan funds; providing that a Local Government Infrastructure Revolving Loan Trust Fund shall be established and providing requirements with respect thereto; providing for rules; creating s. 163.3251, F.S.; creating the Florida Local Government Infrastructure Financing Corporation to assist the department in implementing financing activities and provide funding for such financial assistance; providing for termination of the corporation; providing for a board of directors; providing powers and duties of the corporation; providing requirements with respect to service contracts with the department; authorizing issuance of bonds and other obligations; providing an exemption from taxation; providing requirements for validating bonds; providing status of the corporation and applicability of laws; providing for contracts with the State Board of Administration; providing for audits; amending s. 199.292, F.S.; providing for deposit of a portion of intangible personal property tax proceeds in the Local Government Infrastructure Revolving Loan Trust Fund; amending s. 163.3244, F.S.; providing for a sustainable communities certification program in lieu of the sustainable communities demonstration project; revising requirements for certification agreements; providing that a certified local government shall assume review authority for certain developments of regional impact; revising programs to be emphasized in such areas and providing for certain funding priorities; revising report requirements; providing for renewal of local governments designated as a sustainable community demonstration project; eliminating the scheduled June 30, 2001, repeal of said section; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; providing that such surveys are deemed to meet state constitutional requirements, subject to State Board of Education approval; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for long-range planning; providing requirements for the district's facilities work program; providing for submission of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S.; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; 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 and revising the fixed thresholds; revising application of thresholds for development allowed under a preliminary development agreement; revising the definition of an essentially built-out development of regional impact with respect to multiuse developments; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; providing that an extension of the date of buildout of less than 7 years is not a substantial deviation; revising provisions relating to determination of whether a change constitutes a substantial deviation based on its percentage of the specified numerical criteria; revising notice requirements; providing that changes that are less than specified numerical criteria need not be submitted to the state land planning agency and specifying the agency's right to appeal with respect to such changes; deleting an exemption from review by the regional planning agency and state land planning agency for certain changes; amending s. 380.0651, F.S.; revising the guidelines and standards for attractions and recreation facilities, office development, retail and service development, and residential development; amending s. 333.06, F.S.; requiring each publicly owned licensed airport to prepare an airport master plan; requiring the entity which governs the operation of such an airport to submit copies of certain documents to all affected local governments; removing provisions which specify that certain changes in airport facilities, increases in the storage capacity for chemical or petroleum storage facilities, or development at a waterport 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; exempting proposed waterport development in certain counties from such requirements and providing application of such exemption to counties identified in s. 370.12(2)(f), F.S.; providing for maintenance of the exemption from development-of-regional-impact review for developments under s. 163.3245, F.S., relating to optional sector plans, if said section is repealed; exempting certain development or expansion of airports or airport-related development from development-of-regional-impact requirements; exempting development or expansion within certain areas from development-of-regional-impact requirements; repealing s. 380.0651(3)(a) and (e), F.S., which provide the development-of-regional-impact statewide guidelines and standards for airports and port facilities; providing application with respect to airports, marinas, 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; creating s. 570.70, F.S.; providing for future review and repeal of ss. 380.06 and 380.0651, F.S.; providing application with respect to developments 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 that future repeal date; directing the Legislative Committee on Intergovernmental Relations to study alternatives to the development-of-regional-impact process and provide a report; providing legislative findings; creating s. 570.71, F.S.; providing for the purchase of rural land protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for conservation easements, resource conservation agreements, and agricultural protection agreements; prescribing allowable land uses; requiring rulemaking; providing for an application process; providing for an option to purchase property; directing the department to seek funds from federal sources; providing a severability clause; providing an effective date.

—was read the third time by title.

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 363067)

Amendment 3 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. *Notwithstanding any special act to the contrary, no later than January 1, 2002, each local planning agency shall include a representative of the district school board as a member.* The governing body may designate itself as the local planning agency pursuant to this subsection*, with the addition of a representative of the school board*. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 2. Subsection (12) of section 163.3177, Florida Statutes, is repealed, and paragraphs (a) and (h) of subsection (6) and subsection (11) of said section are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. *Amendments* ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school siting maps pursuant to s. 163.31776(6) are* ~~is~~ exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools*, and shall include criteria which encourage using elementary schools as focal points for neighborhoods* ~~to the extent possible~~. *For schools serving predominantly rural counties, defined as a county with a population of less than 75,000, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan

shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

5. Intergovernmental coordination between local governments and the district school board shall be governed by s. 163.31776 for local governments subject to the requirements of said section, and compliance with said section with respect to intergovernmental coordination is encouraged for local governments exempt from such requirements.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization, including the extent to which the rural land stewardship area enhances rural land values; controls urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and

habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implemention occurs on a statewide basis.

(e)~~(d)~~ The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)~~(e)~~ The department *may adopt rules necessary to* ~~shall~~ implement the provisions of this subsection ~~by rule~~.

Section 3. Section 163.31776, Florida Statutes, is created to read:

163.31776 Public educational facilities element.—

(1) The intent of the Legislature is:

(a) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(b) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education

system as a result of growth and development decisions by local government.

(c) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access.

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions which result in community growth trends.

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). All local governments are encouraged to adopt a public educational facilities element regardless of whether they meet the criteria of paragraph (a) or are exempted by paragraph (c). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where:

1. The number of districtwide capital outlay full-time equivalent students is equal to 80 percent or more of the most current year's school capacity and the projected 5-year student growth is 1,000 students or greater; or

2. The projected 5-year student growth rate is 10 percent or greater.

(b) The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria specified in paragraph (a) on June 1 of each year. Local governments and school boards shall have 18 months following notification to comply with the requirements of this section.

(c) Each municipality within a county described in paragraph (a) shall adopt its own element or adopt a plan amendment accepting the public educational facilities element adopted by the county which includes the municipality's area of authority as defined by s. 163.3171. However, a municipality is exempt from this requirement if it does not contain a public school within its jurisdiction and none is scheduled in the 5-year district facilities work program of the school board's education facilities plan adopted pursuant to s. 235.185, and if the residents of the municipality have generated less than 50 additional public school students during the last 5 years. Any municipality exempt under this paragraph shall notify the county and the school board of any planned annexations into residential or proposed residential areas or other change in conditions which would render the municipality no longer eligible for exemption and shall comply with the provisions of this subsection no later than 1 year following a change in conditions which renders the municipality no longer eligible for exemption or no later than 1 year following the identification of a proposed public school in the school board's 5-year district facilities work program in the municipality's jurisdiction.

(d) The Department of Education and the Department of Community Affairs shall submit a report to the Governor, the President of the Senate, and Speaker of the House of Representatives by January 2003 that evaluates the criteria in paragraph (a) and makes any recommendations for changes to the criteria as needed to meet the intent of this part.

(4) No later than 6 months prior to the deadline for transmittal of a public educational facilities element, the county, the nonexempt municipalities, and the school board shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district educational facilities plans, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and to provide for early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system.

(e) For school district participation in the review of land use decisions which increase residential density and which are reasonably expected to have an impact on public school facility demand.

(f) For the resolution of disputes between the school district and local governments.

(5) The public educational facilities element shall be based on data and analysis, including the interlocal agreement required by subsection (4) and the educational facilities plan required by s. 235.185. All local government public educational facilities elements within a county shall be consistent with each other and shall address the following:

(a) The need for and strategies and commitments to address improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for the provision of adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, and transportation, and the need for other actions to ensure safe access to schools, including provision of sidewalks, bicycle paths, turn lanes, and signalization.

(c) Collocation of other public facilities such as parks, libraries, and community centers with public schools.

(d) Location of schools proximate to residential areas and use of public schools to complement patterns of development, including using elementary schools as focal points for neighborhoods.

(e) Use of public schools as emergency shelters.

(f) Consideration of the existing and planned capacity of public schools when reviewing land use decisions.

(6) The future land use map series shall either incorporate maps which are the result of a collaborative process for identifying school sites and are adopted in the educational facilities plan promulgated by the school board pursuant to s. 235.185 showing the locations of existing public schools and the general locations of improvements to existing schools or construction of new schools anticipated over the 5-year, 10-year, and 20-year time periods, or such maps shall be data and analysis in support of the future land use map series. Maps indicating general locations of future schools or school improvements shall not be deemed to prescribe a land use on a particular parcel of land.

(7) The process for adoption of a public educational facilities element shall be as provided in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) The interlocal agreement must be entered into by the county, the school board, and the nonexempt municipalities within the county. If such parties cannot reach agreement, the matter shall be resolved by

binding arbitration through the regional planning council. The failure of such parties to enter into an interlocal agreement within 60 days after referral to binding arbitration shall result in the prohibition of the local governments' ability to amend the local comprehensive plan until the dispute is resolved. The failure of a school board to provide the required plans or information or to enter into the interlocal agreement under this subsection shall subject the school board to sanctions pursuant to s. 235.193(3). Any local government that has executed an interlocal agreement to implement school concurrency pursuant to the requirements of s. 163.3180 prior to the effective date of this section shall not be required to amend the public school element or any interlocal agreement to conform with the provisions of this section, if such amendment is ultimately determined to be in compliance.

(9) Nothing in this section prohibits a local government from using its home rule powers to deny a comprehensive plan amendment or rezoning.

Section 4. Subsection (13) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(13) School concurrency, if imposed by local option, shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in *s. 163.31776(3)(c)* ~~paragraph (f)~~, shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). School concurrency shall not become effective in a county until all local governments, except as provided in *s. 163.31776(3)(c)* ~~paragraph (f)~~, have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part. The minimum requirements for school concurrency are the following:

(a) Public *educational* ~~school~~ facilities element.—A local government *that elects to adopt public school concurrency* shall adopt ~~and transmit to the state land planning agency~~ a plan or plan amendment which includes a public *educational* ~~school~~ facilities element which is consistent with the requirements of s. *163.31776(5)* ~~163.3177(12)~~ and which is *consistent with the following:*

1. The element shall be based on data and analyses that address how uniform, districtwide level-of-service standards for all schools of the same type will be achieved and maintained.

2. The element shall establish specific, measurable, intermediate ends that are achievable and mark progress toward the goal of school concurrency.

3. The element shall establish the way in which programs and activities will be conducted to achieve an identified goal.

4. The element shall address the procedure for an annual update process.

5. All local government public educational facilities elements which adopt public school concurrency within a county must be consistent with each other as well as the requirements of this part. Any local government that has executed an interlocal agreement for the purpose of implementing public school concurrency prior to the effective date of this section shall not be required to amend the public school facilities element or any interlocal agreement to conform with the provisions of s. 163.31776 if such element is ultimately determined to be in compliance ~~as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.~~

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified, included, and adopted as part of the comprehensive plan. Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the development order shall be issued and mitigation measures shall not be exacted.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established

in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

~~(f) Intergovernmental coordination.—~~

~~1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by s. 163.3177(6)(h)2. as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.~~

~~b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.~~

~~c. The municipality has no public schools located within its boundaries.~~

~~d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.~~

~~2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by s. 163.3177(6)(h)2., in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

(f)~~(g)~~ Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement which satisfies the requirements in s. *163.31776(4)* ~~163.3177(6)(h)1. and 2.~~ and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of s. *163.31776(4)* ~~163.3177(6)(h)~~, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

~~3. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

2.~~4.~~ Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted levels-of-service standards.

3.~~5.~~ Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

4.~~6.~~ Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

5.~~7.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

6.~~8.~~ Include provisions relating to termination, suspension, and amendment of the agreement. The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.

Section 5. Paragraph (b) of subsection (1) of section 163.3184, Florida Statutes, is amended, and, effective October 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and paragraph (d) of subsection (16) of said section are amended, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section:

(b) "In compliance" means consistent with the requirements of ss. 163.3177, *163.31776,* 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where

such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation*, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. *If the plan or plan amendment includes or relates to the public educational facilities element required by s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.* The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, *the Department of State,* and the Department of Transportation*, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,* the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency.~~ *The* ~~These~~ governmental agencies *specified in paragraph (3)(a)* shall provide comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt *by the state land planning agency* of the *complete* proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment*. The request from the regional planning council or affected person must be* ~~if the request is~~ received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). ~~The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.~~ A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within *35* ~~30~~ days *after receipt by the state land planning agency* ~~of transmittal~~ of the *complete* proposed plan amendment ~~pursuant to subsection (3)~~.

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report of its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. Proposed comprehensive plan amendments from small counties or rural communities for the purpose of job creation, economic development, or strengthening and diversifying the economy shall receive priority review by the state land planning agency.* ~~The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.~~ When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—

(a) The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the *complete* adopted comprehensive plan or ~~adopted~~ plan amendment to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption*, including the names and addresses of persons compiled pursuant to paragraph (15)(c)*. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(b) A local government that has adopted a comprehensive plan amendment to which no timely written objection from the state land planning agency, any agency, any government, or any person has been received may submit the comprehensive plan amendment and a certification to the state land planning agency within 10 days after adoption of the comprehensive plan amendment. This certification must certify that the adopted comprehensive plan amendment did not differ from the proposed comprehensive plan amendment submitted pursuant to subsection (3), and that no timely objections were received.

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's *complete* adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government ~~and to persons who request notice~~. ~~The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point.~~ The advertisement shall ~~not~~ be placed in that portion of the newspaper where legal notices ~~and classified advertisements~~ appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)*(e)*~~(c)~~ and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) Notwithstanding the provisions of this subsection, within 20 days after receipt of an accurate certification submitted pursuant to paragraph (7)(b), the state land planning agency shall issue a notice of intent to find the plan amendment in compliance without further review.

(d) The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement shall include the identity of the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, the ordinance number of the plan or plan amendment, and a statement that the informational statement is provided as a courtesy to the person and that affected persons have 21 days after the actual date of publication of the notice to file a petition. The informational statement shall be sent by regular mail and shall not affect the timeframes in subsections (9) and (10).

(e) A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on its Internet site within 5 days after receipt of the mailed copy of the agency's notice of intent.

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form shall state that any person providing the requested information will receive a courtesy informational statement concerning publication of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It shall be the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information required to receive the courtesy informational statement.

(d) The agency shall provide a model sign-in form and the format for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection by August 1, 2001.

(e)~~(c)~~ If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) through (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)*(e)*~~(e)~~. Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 6. Paragraph (j) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (k) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public *educational* ~~school~~ facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public *educational* ~~school~~ facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

(k) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776, and future land use map amendments for school siting, may be approved without regard to statutory limits on the frequency of adoption of plan amendments.

Section 7. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable *educational* ~~5-year school district~~ facilities *plan* ~~work program~~ adopted pursuant to s. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 8. Subsection (6) is added to section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(6)(a) The Legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The Legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The Legislature further finds that electric utility substations are essential services for the public health, safety, and welfare and therefore are in the public interest.

(b) Nothing in this part shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, landscaping, and other such site conditions which ensure consistency with the local comprehensive plan for a substation that will be operated by an electric utility. Compliance with any such adopted standards creates a presumption that a substation is compatible with adjacent land uses and is consistent with the local comprehensive plan.

(c) If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence, applying a strict scrutiny standard of review, demonstrates that the application does not meet the requirements of the local comprehensive plan or applicable land development regulations.

Section 9. Subsection (9) of section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities demonstration project.—

(9) This section shall stand repealed on June 30, *2002* ~~2001~~, and shall be reviewed by the Legislature prior to that date.

Section 10. *Development of a uniform fiscal impact analysis model for evaluating the cost of infrastructure to support development.—*

(1) The Legislature finds that the quality of growth in Florida could benefit greatly by the adoption of a uniform fiscal impact analysis tool that could be used by local governments to determine the costs and benefits of new development. To facilitate informed decisionmaking and accountability by local governments, the analysis model would itemize and calculate the costs and fiscal impacts of infrastructure needs created by proposed development, as well as the anticipated revenues utilized for infrastructure associated with the project. It is intended that the model be a minimum base model for implementation by all local governments. Local governments shall not be required to implement the model until the Legislature approves such implementation, nor shall local governments be prevented from utilizing other fiscal or economic analysis tools before or after adoption of the uniform fiscal analysis model. The Legislature intends that the analysis will provide local government decisionmakers with a clearer understanding of the fiscal impact of the new development on the community and its resources.

(2)(a) To oversee the development of a fiscal analysis model by the state land planning agency, there is created a commission consisting of nine members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint three members to the commission, and the Governor shall designate one of his appointees as chair. Appointments must be made by July 1, 2001, and each appointing authority shall consider ethnic and gender balance when making appointments. The members of the commission must have technical or practical expertise to bring to bear on the design or implementation of the model. The commission shall include representatives of municipalities, counties, school boards, the development community, and public interest groups.

(b) The commission shall have the responsibility to:

1. Direct the state land planning agency, and others, in developing a fiscal analysis model.

2. Select one or more models to test through six pilot projects conducted in six regionally diverse local government jurisdictions selected by the commission.

3. Make changes to the models during the testing period as needed.

4. Report to the Governor and the Legislature with implementation recommendations.

(c) Each member may receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out the official business of the commission.

(d) The commission is assigned, for administrative purposes, to the Department of Community Affairs.

(e) The commission shall meet at the call of the chair and shall be dissolved upon the submittal of the report and recommendations required by subsection (6).

(3)(a) The state land planning agency, as directed by the commission, shall develop one or more fiscal analysis models for determining the estimated costs and revenues of proposed development. The analysis provided by the model shall be a tool for government decisionmaking, shall not constitute an automatic approval or disapproval of new development, and shall apply to all public and private projects and all land use categories. The model or models selected for field testing shall be approved by the commission.

(b) The model shall be capable of estimating the capital, operating, and maintenance expenses and revenues for infrastructure needs created by new development based on the type, scale, and location of various land uses. For the purposes of developing the model, estimated costs shall include those associated with provision of school facilities, transportation facilities, water supply, sewer, stormwater, public safety, and solid waste services, and publicly provided telecommunications services. Estimated revenues shall include all revenues attributable to the proposed development which are utilized to construct, operate, or maintain such facilities and services. The model may be developed with capabilities of estimating other costs and benefits directly related to new development, including economic costs and benefits. The Legislature recognizes the potential limitations of such models in fairly quantifying important quality of life issues such as the intangible benefits and costs associated with development, including, but not limited to, overall impact on community character, housing costs, compatibility, and impacts on natural and historic resources, and therefore affirms its intention that the model not be used as the only determinate of the acceptability of new development. In order to develop a model for testing through pilot projects, the Legislature directs the commission to focus on the infrastructure costs expressly identified in this paragraph. The commission may authorize a local government selected to conduct a pilot project to apply the fiscal analysis model being tested to a public facility or service other than those identified in this paragraph; however, appropriately related revenues and benefits must also be considered.

(c) The model shall be capable of identifying infrastructure deficits or backlogs, and costs associated with addressing such needs.

(d) As part of its development of a fiscal analysis model, and as directed by the commission, the state land planning agency shall develop a format by which the local government shall report to its citizens, at least annually, the cumulative fiscal impact of its local planning decisions.

(4) One or more fiscal analysis models shall be tested in the field to evaluate their technical validity and practical usefulness and the financial feasibility of local government implementation. The field tests shall be conducted as demonstration projects in six regionally diverse local government jurisdictions.

(5) Data, findings, and feedback from the field tests shall be presented to the commission at least every 3 months following the initiation of each demonstration project. Based on the feedback provided by the state land planning agency and the local government partner of a demonstration project, the commission may require the state land planning agency to adjust or modify one or more models, including consideration of appropriate thresholds and exemptions, and conduct additional field testing if necessary.

(6) No later than February 1, 2003, the commission shall transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing the results of the demonstration projects. The commission shall report its recommendations for statewide implementation of a uniform fiscal analysis model. Any recommendation to implement the model must be based on the commission's determination that the model is technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model. Should the commission determine that a uniform fiscal analysis model is not technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model, it shall recommend that the model or its application be modified or not implemented. The report shall also include recommendations for changes to any existing growth management laws and policies necessary to implement the model; recommendations for repealing existing growth management laws, such as concurrency, that may no longer be relevant or effective once the model is implemented; recommendations for state technical and financial assistance to help local governments in the implementation of the uniform fiscal analysis model; recommendations addressing state and local sources of additional infrastructure funding; and recommendations for incentives to local governments to encourage identification of areas in which infrastructure development will be encouraged.

Section 11. *There is appropriated to the Department of Community Affairs from the General Revenue Fund $500,000 to implement the requirements of this act relating to development of a uniform fiscal impact analysis model.*

Section 12. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—

(1) The intent of the Legislature is:

~~(a) To provide each student in the public education system the availability of an educational environment appropriate to his or her educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.~~

(a)~~(b)~~ To encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the purpose of reducing costs *to the taxpayer*, creating a more satisfactory educational environment, and reducing the amount of time necessary for design*, permitting of on-site and off-site improvements required by law,* and construction to fill unmet needs.

(b)~~(c)~~ To provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(c)~~(d)~~ To provide ~~proper legislative support~~ for ~~as wide a range of~~ fiscally sound financing methodologies *for* ~~as possible for the delivery of~~ educational facilities ~~and, where appropriate, for their construction, operation, and maintenance~~.

(d) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs.

(e) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government.

(f) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools.

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

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions that result in community growth trends.

(b)~~(a)~~ Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single

unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c)~~(b)~~ The effective and efficient provision of public educational facilities and services *enhances* ~~is essential to preserving and enhancing~~ the quality of life of the people of this state.

(d)~~(c)~~ The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

Section 13. Subsection (1) of section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by July 1, *2002* ~~2001~~, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt standards for all relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 14. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the *Office of Educational Facilities of the* Commissioner *of Education*. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—~~Each~~ Educational plant *surveys* ~~survey completed after December 31, 1997,~~ must use uniform data sources and criteria specified in this paragraph. ~~Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph.~~ Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. *The school district's survey shall be a part of the district's educational facilities plan under s. 235.185.* ~~Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent

with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The *district* educational *facilities plan* ~~plant survey~~ of a school district *and the educational plant survey of a*~~,~~ community college~~,~~ or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The *Office of Educational Facilities of the Commissioner of Education* ~~department~~ shall review and validate the *educational facilities plans of school districts and the* surveys of ~~school districts and~~ community colleges and any amendments thereto for compliance with the requirements of this chapter and~~, when required by the State Constitution,~~ shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *educational facilities plan or* survey recommendations*,* ~~and~~ that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding*, and that the plan is consistent with the local government comprehensive plan*.

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *educational facilities plan or* survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, ~~and~~ that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter*, and that the site is consistent with the local government comprehensive plan*.

Section 15. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAMS~~.—It is the purpose of the Legislature to create s. 235.185, requiring each school district annually to adopt *an educational* ~~a district~~ facilities *plan that provides an integrated long-range facilities plan, including the survey of projected needs and the* 5-year work program. The purpose of the *educational* ~~district~~ facilities *plan* ~~work program~~ is to keep the school board*, local governments,* and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The *educational* ~~district~~ facilities *plan* ~~work program~~ will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 235.218.

Section 16. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative district *educational* facilities *plan* ~~work program~~ as required by s. 235.185 before adopting the capital outlay budget.

Section 17. Section 235.185, Florida Statutes, is amended to read:

235.185 School district *educational* facilities *plan* ~~work program~~; definitions; preparation, adoption, and amendment; long-term work programs.—

(1) DEFINITIONS.—As used in this section~~, the term~~:

(a) "Adopted *educational* ~~district~~ facilities *plan* ~~work program~~" means the *comprehensive planning document* ~~5-year work program~~ adopted *annually* by the district school board as provided in subsection *(4) which contains the educational plant survey* ~~(3)~~.

(b) "~~Tentative~~ District facilities work program" means the 5-year listing of capital outlay projects *adopted by the district school board as provided in paragraph (2)(b) as part of the district educational facilities plan which are* required:

1. To properly *repair and* maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.062.

(c) "Tentative educational facilities plan" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general purpose local governments.

(2) PREPARATION OF TENTATIVE DISTRICT *EDUCATIONAL* FACILITIES *PLAN;* WORK PROGRAM.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district *educational* facilities *plan* ~~work program~~ that includes *long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan shall be developed in coordination with the general purpose local governments and be consistent with the local government comprehensive plans. The school board's plan for provision of new schools shall meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan shall*:

1. Consider projected student populations for the 5-year, 10-year, and 20-year planning periods apportioned geographically at the local level. The projections shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136, where available, as modified by the school district based on development data and agreement with the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections shall be apportioned geographically with assistance from the local governments, using local development trend data, the comprehensive plan, and the school district student enrollment data.

2. Provide an inventory of existing school facilities. Any anticipated expansions or closures of existing school sites over the 5-year, 10-year, and 20-year periods shall be identified. The inventory shall include an assessment of areas proximate to existing schools and identification of the need for improvements to infrastructure, safety, and conditions in the community. The plan shall also provide a listing of major repairs and renovation projects anticipated over the period of the plan.

3. Include projections of facilities space needs, which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

4. Include information on leased, loaned, and donated space and relocatables used for conducting the district's instructional programs.

5. Describe the general location of public schools proposed to be constructed over the 5-year, 10-year, and 20-year time periods, including a listing of the proposed schools' site acreage needs and anticipated

capacity and including maps showing general locations. The school board's identification of general locations of future school sites shall be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.

(b) The educational facilities plan shall also include a financially feasible district facilities work program for a 5-year period. The work program shall include:

1. A schedule of major repair and renovation projects necessary to maintain the educational *facilities* ~~plant~~ and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. *The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses, shall be compared to the capital outlay full-time equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula under s. 235.435(3).*

b. The proposed locations of planned facilities*, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193(5), (6), and (7) shall be addressed for new facilities planned within the first 3 years of the work plan, as appropriate*.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for *additional* permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district that will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. *For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatables clearly identified and scheduled for replacement in a school board adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The district educational facilities plan shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.*

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order as a project priority list within the district facilities work program.

3. The projected cost for each project identified in the ~~tentative~~ district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of *projected* ~~estimated~~ capital outlay revenues from *all sources* ~~each currently approved source which is~~ estimated to be available *to fully fund* ~~for expenditure on~~ the projects included in the ~~tentative~~ district facilities *5-year* work program. *Revenue sources may include, but are not limited to, projections of:*

a. Ad valorem tax base, assessment ratio, and millage rate.

b. State revenue distributions.

c. Revenue and debt service obligations from current and proposed bond issues.

d. Any other revenue sources available to fund facility needs of the district, including effort index grants, SIT Program awards, and Classrooms First funds.

e. The 0.5-cent sales surtax and the local government infrastructure sales surtax, if levied.

~~5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.~~

~~6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the tentative district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.~~

(c)~~(b) To the extent available,~~ The tentative district *educational* facilities *plan* ~~work program~~ shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 *to the extent available, and based on agreement pursuant to subparagraph (a)1*.

(d)~~(c)~~ Provision shall be made for public comment concerning the tentative district *educational* facilities *plan* ~~work program~~.

(e) The district school board shall coordinate with each affected local government to ensure consistency between the tentative district educational facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district educational facilities plan.

(3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN TO THE LOCAL GOVERNMENT.—The district school board shall submit a copy of its tentative district educational facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district educational facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2). Where the school board and the local government have not entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2), the school board and the local government must determine a mutually acceptable process for submittal and review of the tentative district educational facilities plan. Disputes between the school board and the local government, in instances where the school board and the local government have not entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2), shall be addressed pursuant to s. 163.3181.

(4)~~(3)~~ ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—Annually, the district school board shall consider and adopt the tentative district *educational* facilities *plan* ~~work program~~ completed pursuant to subsection (2). Upon giving proper ~~public~~ notice *to the public and local governments* and opportunity for public comment, the district school board may amend the *plan* ~~program~~ to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district *educational* facilities *plan* ~~work program~~ shall *include a 5-year facilities work program which shall*:

(a) Be a complete, balanced*, and financially feasible* capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

(5)~~(4)~~ EXECUTION OF ADOPTED DISTRICT *EDUCATIONAL* FACILITIES *PLAN* ~~WORK PROGRAM~~.—The first year of the adopted district *educational* facilities *plan* ~~work program~~ shall constitute the capital outlay budget required in s. 235.18. The adopted district facilities work program shall include the information required in *paragraph (2)(b)* ~~subparagraphs (2)(a)1., 2., and 3.~~, based upon projects actually funded in the program.

~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.—In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.~~

Section 18. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district *educational* facilities *plan* ~~work program~~ that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 19. Section 235.19, Florida Statutes, is amended to read:

235.19 Site planning and selection.—

(1) If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district educational facilities plan and a method to coordinate decisionmaking and approval activities relating to school planning and site selection, the provisions of this section are superseded by the interlocal agreement and the plans of the local government and the school board.

(2)~~(1)~~ Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses ~~for the board~~. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the *consistency* ~~compatibility~~ of such plans ~~with site planning~~. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible*, and to encourage using elementary schools as focal points for neighborhoods*.

(3)~~(2)~~ Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less than recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~

(4)~~(3)~~ Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the *school board* ~~commissioner~~ prescribes to promote the educational interests of the students. Each site must be well drained and *either* suitable for outdoor educational purposes as appropriate for the educational program *or collocated with facilities to serve this purpose*. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

(5)~~(4)~~ It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(6)~~(5)~~ Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 20. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational *facilities plan* ~~plant survey~~ and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local *governments* ~~governing bodies~~. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short

distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl.

(2) No later than 6 months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), the school district, the county, and the nonexempt municipalities shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district educational facilities plans, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure that school siting decisions by the school board are consistent with the local comprehensive plan, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and for early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide formal timely comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system.

(e) For school district participation in the review of land use decisions which increase residential density and which are reasonably expected to have an impact on public school facility demand.

(f) For the resolution of disputes between the school district and local governments.

Any school board that has entered into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to this subsection if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) Failure to enter into an interlocal agreement as required by subsection (2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42, and the school district shall be prohibited from siting schools. Before the Office of Educational Facilities of the Commissioner of Education withholds any funds, the office shall provide the school board with a notice of intent to withhold funds, which the school board may dispute pursuant to chapter 120. The office shall withhold funds when a final order is issued finding that the school board has failed to enter into an interlocal agreement which meets the requirements of subsection (2).

(4)~~(2)~~ A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use *information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136* ~~Department of Education enrollment projections~~ when preparing the ~~5-year~~ district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185 *in*~~, and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections to ensure that the *educational facilities plan* ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. *The school board may modify the information produced by the estimating conferences, with the approval of the local governments and the Office of Educational Facilities of the Commissioner of Education. The projections shall be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities *plan* ~~report~~ for the prior year required pursuant to s. *235.185* ~~235.194~~ unless the failure is corrected.

(5)~~(3)~~ The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and *consistent with* the plan's implementing land development regulations~~, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board~~.

(6)~~(4)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least *120* ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection *(7)* ~~(5)~~.

(7)~~(5)~~ As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and *consistent with* local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(8)~~(6)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive *plan* ~~plan's future land use policies and categories in which public schools are identified as allowable uses~~, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(9)~~(7)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts *pursuant to an interlocal agreement adopted in accordance with this section*.

(10)~~(8)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand

an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 21. *Section 235.194, Florida Statutes, is repealed.*

Section 22. Section 235.218, Florida Statutes, is amended to read:

235.218 School district *educational* facilities *plan* ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district *educational* facilities *plans* ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

(a) Frugal production of high-quality projects.

(b) Efficient finance and administration.

(c) Optimal school and classroom size and utilization rate.

(d) Safety.

(e) Core facility space needs and cost-effective capacity improvements that consider demographic projections*, land use patterns, and collocation and shared use with other public facilities*.

(f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities *plan* ~~program~~ performance and productivity, using the measures adopted under this section. If, using these measures, the clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 23. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district *educational* facilities *plan* ~~work program~~ pursuant to s. 235.185.

Section 24. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *educational* facilities *plan* ~~work program~~ a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

Section 25. Section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(1) The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas*, electricity,* or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

Section 26. Paragraph (e) of subsection (2) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 200 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effectiveness of the designation.* ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

Section 27. *Short title.—Sections 570.70 and 570.71, Florida Statutes, may be cited as the "Rural and Family Lands Protection Act."*

Section 28. Section 570.70, Florida Statutes, is created to read:

570.70 Legislative findings.—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 29. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1)(a) As used in this section, "department" means the Department of Agriculture and Consumer Services.

(b) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

1. Promotion and improvement of wildlife habitat;

2. Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;

3. Perpetuation of open space on lands with significant natural areas; or

4. Protection of agricultural lands threatened by conversion to other uses.

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

(a) Purchase conservation easements, as defined in s. 704.06.

(b) Purchase rural lands protection easements pursuant to this act.

(c) Fund resource conservation agreements pursuant to this act.

(d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural lands protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

(a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11).

(b) Subdivision of the property.

(c) Dumping or placing of trash, waste, or offensive materials.

(d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide

recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11).

2. Subdivision of the property.

3. Dumping or placing of trash, waste, or offensive materials.

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in subsection (1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his or her property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than 10 percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately owned ranch and timber lands containing resources of the type identified in paragraph (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 30. Except as otherwise provided herein, 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 growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; providing that the Department of Community Affairs may authorize up to five local governments to designate rural land stewardship areas; providing requirements with respect thereto; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that the local government shall assign transferable rural land use credits to such areas; providing requirements with respect to such credits; specifying incentives that should be provided to owners of land in such areas; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that certain local government comprehensive plans include a public educational facilities element; requiring notice by the Department of Education; exempting certain municipalities from adopting such elements; requiring a report; requiring such local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing

requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; providing for arbitration; specifying the effect of a local government's failure to enter into an interlocal agreement and of a school board's failure to provide certain information or to enter into an interlocal agreement; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; amending s. 163.3202, F.S.; providing legislative intent regarding electric utilities and substations; providing that local governments may adopt land development regulations that establish standards for substations and providing effect of compliance with such standards; prohibiting local governments from denying a development permit for a substation under certain conditions; amending s. 163.3244, F.S.; extending the repeal date of the sustainable communities demonstration project; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of such plans and community college surveys by the Office of Educational Facilities and approval by the State Board of Education; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring certain school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending s. 235.218, F.S.; revising provisions relating to adoption of certain evaluation measures by the SMART Schools Clearinghouse; amending ss. 235.321 and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; revising an exception from the definition of "development" for work by certain utilities; amending s. 380.06, F.S., relating to developments of regional impact; providing that the statewide guidelines and standards shall be increased for development in a rural area of critical economic concern; creating the "Rural and Family Lands Protection Act"; creating s. 570.70, F.S.; providing legislative findings; creating s. 570.71, F.S.; providing a definition; providing for the purchase of rural lands protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; providing effective dates.

Rep. Dockery moved the adoption of the amendment.

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 261833)

Amendment 1 to Amendment 3 (with directory language and title amendments)—On page 7, line 26, through page 15, line 8,
remove from the amendment: all of said lines

And the directory language is amended as follows:

On page 2, line 27,
remove: and subsection (11) of said section

And the title is amended as follows:

On page 89, lines 3 - 16 of the amendment
remove: all of said lines

and insert in lieu thereof: counties under certain conditions; creating s.

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 900441)

Amendment 2 to Amendment 3—On page 21, line 2, of the amendment after "rezoning"

insert: *, provided this subsection shall not apply to a comprehensive plan amendment or to a rezoning which is consistent with a development order which has been approved by a local government pursuant to s. 380.06*

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

Representative(s) Dockery and Alexander offered the following:

(Amendment Bar Code: 065389)

Amendment 3 to Amendment 3 (with title amendment)—On page 81, line 17, through page 88, line 8,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 94, line 17 through p. 95, line 2 of the amendment
remove: all of said lines

and insert in lieu thereof: area of critical economic concern; providing

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

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HBs 1617 & 1487. The vote was:

Session Vote Sequence: 411

Yeas—118

The Chair	Clarke	Heyman	Paul
Alexander	Crow	Hogan	Peterman
Allen	Cusack	Holloway	Pickens
Andrews	Davis	Jennings	Prieguez
Argenziano	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	Feeney	Kottkamp	Russell
Barreiro	Fields	Kravitz	Ryan
Baxley	Fiorentino	Kyle	Seiler
Bean	Flanagan	Lacasa	Simmons
Bendross-Mindingall	Frankel	Lee	Siplin
Bennett	Gannon	Lerner	Slosberg
Bense	Garcia	Littlefield	Smith
Benson	Gardiner	Lynn	Sobel
Berfield	Gelber	Machek	Sorensen
Betancourt	Gibson	Mack	Spratt
Bilirakis	Goodlette	Mahon	Stansel
Bowen	Gottlieb	Mayfield	Trovillion
Brown	Green	McGriff	Wallace
Brummer	Greenstein	Meadows	Waters
Brutus	Haridopolos	Mealor	Weissman
Bucher	Harper	Melvin	Wiles
Bullard	Harrell	Miller	Wilson
Byrd	Harrington	Murman	Wishner
Cantens	Hart	Needelman	
Carassas	Henriquez	Negron	

Nays—1

Johnson

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

HB 1983 was taken up. On motion by Rep. Wallace, the rules were waived and—

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 192.0105, F.S.; conforming a cross-reference; amending s. 197.212, F.S.; increasing the allowable minimum property tax; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; creating an advisory committee on property and other public facility taxation; providing purposes and membership; requiring a report; providing an appropriation; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

—was substituted for HB 1983 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 234569)

Amendment 1 (with title amendment)—On page 3,
remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. ~~Thereafter, determination of the assessed value of the property is subject to the following provisions:~~

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the

assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or

2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any ~~annual~~ assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the *just value and assessed value* ~~assessment~~ must be recalculated for every such year*, including the year in which the mistake occurred*.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 2. Effective January 1, 2003, paragraph (c) of subsection (2) of section 195.096, Florida Statutes, as amended by this act, is amended to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(c) In conducting assessment ratio studies, the department must use a representative or statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. *The department shall document and retain records of the measures of representativeness of the properties studied in compliance with this section. Such documentation must include a record of findings used as the basis for the approval or disapproval of the tax roll in each county pursuant to s. 193.1142. In addition, to the greatest extent practicable, the department shall study assessment roll strata by value groups or market areas for each classification, subclassification, or stratum to be studied to ensure the representativeness of ratio study samples.* For purposes of this section, the department shall rely primarily on an assessment-to-sales-ratio study in conducting assessment ratio studies in those classifications of property specified in subsection (3) for which there are adequate market sales. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

Section 3. Effective upon this act becoming a law and applicable to the tax year 2001 and thereafter, section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a "home for the aged" unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1),

licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments in* homes for the aged shall be exempt only to the extent that residency in *the existing unit or apartment of* the applicant home is *reserved for or* restricted to or *the unit or apartment is* occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons who have gross incomes of not more than $7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than $7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than $8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects *that* ~~which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and *that* ~~which~~ are subject to the income limitations established by that department *are* ~~shall be~~ exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is ~~hereby~~ declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of *a* ~~such~~ property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of $25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each *corporation* ~~home~~ applying for an exemption under paragraph (a) *of this subsection or paragraph (4)(a)* must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under *either of those paragraphs* ~~that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

Section 4. Section 196.24, Florida Statutes, is amended to read:

196.24 *Exemption for disabled ex-service member;* evidence of disability ~~of ex-service member; exemption~~.—Any ex-service member, a bona fide resident of the state, who has been disabled to a degree of 10 percent or more while serving during a period of wartime service as defined in s. 1.01(14), or by misfortune, is entitled to the exemption from taxation provided for in s. 3(b), Art. VII of the State Constitution *as provided in this section. Property to the value of $5,000 of such person shall be exempt from taxation.*~~; and~~ The production by him or her of a certificate of disability from the United States Government or the United States Department of Veterans Affairs or its predecessor before the property appraiser of the county wherein the ex-service member's property lies is prima facie evidence of the fact that he or she is entitled to such exemption.

Section 5. Section 197.212, Florida Statutes, is amended to read:

197.212 Minimum tax bill.—On the recommendation of the county tax collector, the board of county commissioners may adopt a resolution instructing the collector not to mail tax notices to a taxpayer when the amount of taxes shown on the tax notice is less than *an amount up to $50* ~~$5~~. The resolution shall also instruct the property appraiser that he or she shall not make an extension on the tax roll for any parcel for which the tax would amount to less than *an amount up to $50* ~~$5~~. The minimum tax bill so established may not exceed *an amount up to $50* ~~$5~~.

Section 6. Subsection (1) of section 197.343, Florida Statutes, is amended to read:

197.343 Tax notices; additional notice required.—

(1) An additional tax notice shall be mailed by April *30* ~~10~~ to each taxpayer whose payment has not been received. The notice shall include a description of the property and the following statement: If the taxes for . . .(year). . . on your property are not paid, a tax certificate will be sold for these taxes, and your property may be sold at a future date. Contact the tax collector's office at once.

Section 7. Subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)*(a) The tax collector may contract with a title company or an abstract company at a reasonable fee to provide the minimum information required by subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector shall make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.*

1. The ownership and encumbrance report must be printed or typed on stationery or other paper showing a letterhead of the person, firm, or company that makes the search, and the signature of the person who makes the search or of an officer of the firm must be attached. The tax collector is not liable for payment to the firm unless these requirements are met.

2. The tax collector shall not accept or pay for any title search or abstract if no financial responsibility is assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable.

3. In order to establish uniform prices for ownership and encumbrance reports within the county, the tax collector shall ensure that the contract for ownership and encumbrance reports include all requests for title searches or abstracts for a given period of time.

(b) Any fee paid for any title search or abstract shall be collected at the time of application under subsection (1), and the amount of the fee shall be added to the opening bid.

(c) The clerk shall advertise and administer the sale and receive such fees for the issuance of the deed and sale of the property as are provided in s. 28.24.

Section 8. Effective January 1, 2002, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in ~~subsection (11) and~~ s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:", and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; *the* ~~a single entry for other~~ independent special districts in which the parcel lies, if any~~, except as provided in subsection (11)~~; and ~~a single entry~~ for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". ~~The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11).~~ For *each* voted *levy* ~~levies~~ for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). ~~However:~~

~~1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;~~

~~2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of . . .(list of brief, commonly used names for each taxing authority whose debt service levy is included on this line). . ."; and~~

~~3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter approved debt, contact your Tax Collector at . . .(phone number). . .." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.~~

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding *each* ~~the~~ entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all nonvoted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. ~~Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.~~

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemp- tions	Taxable Value
Your Property Value Last Year	$	$	$	$ . . . .
Your Property Value This Year	$	$	$	$ . . . .

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at . . .(phone number). . . or . . .(location). . . .

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE . . .(date). . . .

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

~~(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.~~

(11)~~(12)~~ The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(12)~~(13)~~(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately ⅛-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection *(11)* ~~(12)~~ shall not be placed on the notice.

Section 9. Effective January 1, 2002, paragraph (a) of subsection (1) of section 192.0105, Florida Statutes, is amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(a) The right to be mailed notice of proposed property taxes and proposed or adopted non-ad valorem assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and (13)(a), and 200.069). The notice must also inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments (see s. 200.069*(11)*~~(12)~~).

Section 10. *(1) There is created the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, providing and evaluating suggestions for improving the property tax administration process, and promoting greater understanding of property tax administration issues. The Property Tax Administration Task Force shall consist of members representing business and industry, taxpayer groups, municipalities, counties, school districts, special districts, state government, and elected officials charged with assessing and collecting property taxes. The executive director of the department shall appoint the members. The task force shall make periodic reports to the department concerning findings and recommendations in the area of property tax administration.*

(2) This section shall take effect upon this act becoming a law.

Section 11. *(1) There is created an advisory committee on airport and seaport property taxation, consisting of 8 members, two of whom shall be appointed by the Governor. The President of the Senate shall appoint two members, one of which must be a member of the Senate, and the Speaker of the House shall appoint two members, one of which must be a member of the House of Representatives. The executive director of the Department of Revenue and one property appraiser appointed by the executive director shall also serve on the committee. The advisory committee shall study the taxation of airport and seaport property and shall submit a written report on this issue to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2001. The committee shall expire upon completion of the report.*

(2) This section shall take effect upon becoming a law.

Section 12. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2, through

Page 3, line 4
remove from the title of the bill: all of said lines

and insert in lieu thereof:
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. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; 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; creating an advisory committee on airport and seaport property taxation; providng purposes and membership; requiring a report; providing effective dates.

Rep. Wallace moved the adoption of the amendment.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 203881)

Amendment 1 to Amendment 1 (with title amendment)—On page 1, between lines 17 & 18, of the amendment

insert:

Section 1. (1) Paragraphs (b) and (c) of subsection (1) of section 206.9825, Florida Statutes, are amended to read:

206.9825 Aviation fuel tax.—

(1)

(b) Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions, may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. In calculating the new or additional Florida full-time equivalent employee positions, any full-time equivalent employee positions of parent or subsidiary corporations which existed before January 1, 1996, shall not be counted toward reaching the Florida employment increase thresholds. The refund allowed under this paragraph is in furtherance of the goals and policies of the State Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2., (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4., 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

(c) If~~, before July 1, 2001,~~ the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce falls below 250, the exemption granted pursuant to this section shall not apply during the period in which the air carrier has fewer than the 250 additional employees.

(2) This section shall take effect upon this act becoming a law.

And the title is amended as follows:

On page 24, lines 2, of the amendment after the semicolon
remove: all of said lines

and insert in lieu thereof: amending s. 206.9825, F.S.; removing the expiration date of provisions which allow any licensed wholesaler or terminal supplier that delivers aviation fuel to certain air carriers to receive a credit or refund of the aviation fuel tax under certain conditions;

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 261171)

Amendment 2 to Amendment 1 (with title amendment)—On page 1, between lines 17 & 18,

insert:

Section 1. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a “facility for a new professional sports franchise” or a “facility for a retained professional sports franchise” pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a retained spring training franchise” pursuant to s. 288.1162; however, not more than $208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant’s certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

8. All other proceeds shall remain with the General Revenue Fund.

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than $208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.

8. All other proceeds shall remain with the General Revenue Fund.

Section 3. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, ~~and~~ the tax refund program for qualified target industry businesses authorized by s. 288.106*, and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113*.

Section 4. Section 288.113, Florida Statutes, is created to read:

288.113 Tax reimbursement program for certified sports industry economic development projects.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certified sports industry economic

development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.

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

(a) "Certified sports industry economic development project" or "project" means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) "Sales tax reimbursement" means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant's sales tax reimbursement agreement. Annual payment amounts shall be no less than $500,000 and no more than $2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below $500,000 under its authority to decertify a project as discussed in subsection (6).

(5) AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

(a) Developing and implementing any component of the project's sports events and activities;

(b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project's facilities or events;

(c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project's activities and facilities; or

(d) Paying the cost of relocating the project's corporate headquarters into the state.

(6) CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of $1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of $1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be requalified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of $1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed $1 million.

(j) A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.

(l) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:

1. The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement, and a time schedule or plan for when such jobs will be in place and operative in the state.

2. The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.

3. The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.

(b) Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.

(c) The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.

(d) Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.

(8) ADMINISTRATION.—

(a) The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.

(c) The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.

Section 5. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.

And the title is amended as follows:

On page 24, line 2, of the amendment after the semicolon

insert: amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state;

Rep. Johnson 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.

On motion by Rep. Wallace, the rules were waived and CS for SB 1576, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 412

Yeas—117

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

Nays—1

Fiorentino

Votes after roll call:
Yeas—Lerner, Rich

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

On motion by Rep. Goodlette, the House moved to the consideration of SB 2240 on Special Orders.

Special Orders

Continuation of Special Order Calendar

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

—was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 543585)

Amendment 1—On page 31, line 26,
remove from the bill: *20*

and insert in lieu thereof: *120*

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

On motion by Rep. Berfield, the rules were waived and SB 2240, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 413

Yeas—118

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

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 806.

Bills and Joint Resolutions on Third Reading

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.

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

Session Vote Sequence: 414

Yeas—118

The Chair
Alexander
Allen
Andrews
Argenziano
Arza
Attkisson
Atwater
Ausley
Baker
Ball
Barreiro
Baxley
Bean
Bendross-Mindingall
Bennett
Bense
Benson
Berfield
Betancourt
Bilirakis
Bowen
Brown
Brummer
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas
Clarke
Crow
Cusack
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
Harrell
Hart
Henriquez
Heyman
Hogan
Holloway
Jennings
Johnson
Jordan
Joyner
Justice
Kallinger
Kendrick
Kilmer
Kosmas
Kottkamp
Kravitz
Kyle
Lacasa
Lee
Lerner
Littlefield
Lynn
Machek
Mack
Mahon
McGriff
Meadows
Mealor
Melvin
Miller
Murman
Needelman
Negron
Paul
Peterman
Pickens
Prieguez
Rich
Richardson
Ritter
Romeo
Ross
Rubio
Russell
Ryan
Seiler
Simmons
Siplin
Slosberg
Smith
Sobel
Sorensen
Spratt
Stansel
Trovillion
Wallace
Waters
Weissman
Wiles
Wilson
Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 890 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing that the petitioner or petitioner's attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding; providing an effective date.

—was read the second time by title. On motion by Rep. Gottlieb, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 415

Yeas—114

The Chair
Alexander
Allen
Andrews
Argenziano
Arza
Attkisson
Atwater
Ausley
Baker
Ball
Barreiro
Baxley
Bean
Bendross-Mindingall
Bennett
Benson
Berfield
Bilirakis
Bowen
Brown
Brummer
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas
Clarke
Crow
Cusack
Davis
Detert
Diaz de la Portilla
Diaz-Balart
Dockery
Farkas
Fasano
Feeney
Fields

Fiorentino
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Gardiner
Gelber
Gibson
Goodlette
Gottlieb
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Greenstein
Haridopolos
Harper
Harrell
Hart
Henriquez
Heyman
Hogan
Holloway
Jennings
Johnson
Jordan
Joyner
Justice
Kallinger
Kendrick
Kilmer
Kosmas
Kottkamp
Kravitz
Kyle
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Lerner
Littlefield
Lynn
Machek
Mack
Mahon
Mayfield
McGriff
Meadows
Mealor
Melvin
Murman
Needelman
Negron
Paul
Peterman
Pickens
Prieguez
Rich
Richardson
Ritter
Romeo
Ross
Rubio
Ryan
Seiler
Simmons
Siplin
Slosberg
Smith
Sobel
Sorensen
Spratt
Stansel
Trovillion
Wallace
Waters
Weissman
Wiles
Wilson
Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, the House moved to the consideration of CS/CS/HB 721.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 721—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Session Vote Sequence: 416

Yeas—118

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

Nays—1

Carassas

So the bill passed and was immediately certified to the Senate.

CS/HB 997—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; amending s. 18 of ch. 99-144, Laws of Florida; extending repeal date of a developmental disabilities pilot program; requiring an additional report; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 417

Yeas—119

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

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 788 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

—was read the second time by title. On motion by Rep. Harrell, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 418

Yeas—119

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1788 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

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.

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

Session Vote Sequence: 419

Yeas—115

The Chair	Clarke	Holloway	Paul
Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Jordan	Prieguez
Argenziano	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	Kyle	Ryan
Baxley	Flanagan	Lacasa	Seiler
Bean	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Maygarden	Stansel
Brown	Haridopolos	McGriff	Trovillion
Brummer	Harper	Meadows	Wallace
Brutus	Harrell	Mealor	Waters
Bucher	Harrington	Melvin	Weissman
Bullard	Hart	Miller	Wiles
Byrd	Henriquez	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Hogan	Negron	

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 2110 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 2110—A bill to be entitled An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

—was read the second time by title. On motion by Rep. Betancourt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 420

Yeas—119

Alexander	Bean	Bucher	Dockery
Allen	Bendross-Mindingall	Bullard	Farkas
Andrews	Bennett	Byrd	Fasano
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Flanagan
Atwater	Betancourt	Crow	Frankel
Ausley	Bilirakis	Cusack	Gannon
Baker	Bowen	Davis	Garcia
Ball	Brown	Detert	Gardiner
Barreiro	Brummer	Diaz de la Portilla	Gelber
Baxley	Brutus	Diaz-Balart	Gibson

Goodlette	Kallinger	Meadows	Ryan
Gottlieb	Kendrick	Mealor	Seiler
Green	Kilmer	Melvin	Simmons
Greenstein	Kosmas	Miller	Siplin
Haridopolos	Kottkamp	Murman	Slosberg
Harper	Kravitz	Needelman	Smith
Harrell	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wilson
Joyner	Maygarden	Rubio	Wishner
Justice	McGriff	Russell	

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of HB 701 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 701—A bill to be entitled An act relating to road designations; designating a portion of State Road 16 as the Correctional Officers Memorial Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the third time by title.

Representative(s) Bean offered the following:

(Amendment Bar Code: 612241)

Amendment 1 (with title amendment)—On page 1, line 10 of the bill,

insert:

Section 1. *Ed Fraser Memorial Highway designation; markers.—*

(1) State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is hereby designated as the Ed Fraser Memorial Highway.

(2) The Department of Transportation is hereby directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: designating a portion of State Road 121 as the "Ed Fraser Memorial Highway;"

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

The question recurred on the passage of HB 701. The vote was:

Session Vote Sequence: 421

Yeas—110

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

Nays—1

Hogan

Votes after roll call:
Yeas—Brummer, Ryan, Sobel
Nays to Yeas—Hogan

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 2220 on Special Orders.

Special Orders

Continuation of Special Order Calendar

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title. On motion by Rep. Mealor, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 422

Yeas—119

The Chair	Bean	Bullard	Fasano
Alexander	Bendross-Mindingall	Byrd	Fields
Allen	Bennett	Cantens	Fiorentino
Andrews	Bense	Carassas	Flanagan
Argenziano	Benson	Clarke	Frankel
Arza	Berfield	Crow	Gannon
Attkisson	Betancourt	Cusack	Garcia
Atwater	Bilirakis	Davis	Gardiner
Ausley	Bowen	Detert	Gelber
Baker	Brown	Diaz de la Portilla	Gibson
Ball	Brummer	Diaz-Balart	Goodlette
Barreiro	Brutus	Dockery	Gottlieb
Baxley	Bucher	Farkas	Green

Greenstein	Kilmer	Mealor	Ryan
Haridopolos	Kosmas	Melvin	Seiler
Harper	Kottkamp	Miller	Simmons
Harrell	Kravitz	Murman	Siplin
Harrington	Kyle	Needelman	Slosberg
Hart	Lacasa	Negron	Smith
Henriquez	Lee	Paul	Sorensen
Heyman	Lerner	Peterman	Spratt
Hogan	Littlefield	Pickens	Stansel
Holloway	Lynn	Prieguez	Trovillion
Jennings	Machek	Rich	Wallace
Johnson	Mack	Richardson	Waters
Jordan	Mahon	Ritter	Weissman
Joyner	Mayfield	Romeo	Wiles
Justice	Maygarden	Ross	Wilson
Kallinger	McGriff	Rubio	Wishner
Kendrick	Meadows	Russell	

Nays—None

Votes after roll call:
Yeas—Sobel

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of SB 1148 on Special Orders.

SB 1148—A bill to be entitled An act relating to corrections; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the Department of Corrections by offenders placed on community control; providing an effective date.

—was read the second time by title. On motion by Rep. Brutus, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 423

Yeas—116

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of HB 1471 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 1471—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

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

Session Vote Sequence: 424

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Wiles

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

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 563, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

Senate Amendment 1—On page 5, lines 1-5, delete those lines

and insert:

(c) Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by an amount equal to the

Senate Amendment 2—On page 5, line 9, delete the words "*Beginning in*"

and insert: *For*

Senate Amendment 3—On page 5, line 11, delete the word "*to*"

and insert: *, the income from which shall*

Senate Amendment 4—On page 5, line 13, following the word "*The*"

insert: *income from the*

Senate Amendment 5—On page 9, lines 1-30, delete those lines

and insert:

(a) The advisory council shall consist of 15 members, including:

1. The director of the United Way of Florida, Inc., or his or her designee;

2. The director of the Foster Parents Association, or his or her designee;

3. The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;

4. The president of the Florida Association of Area Agencies on Aging, or his or her designee;

5. The State Long-Term Care Ombudsman, or his or her designee;

6. The state director of the Florida AARP, or his or her designee;

7. The director of the Florida Pediatric Society, or his or her designee;

8. A representative of the Guardian Ad Litem Program, appointed by the Governor;

9. A representative of a child welfare lead agency for community-based care, appointed by the Governor;

10. A representative of an elder care lead agency for community-based care, appointed by the Governor;

11. A representative of a statewide child advocacy organization, appointed by the Governor;

12. One consumer caregiver for children, appointed by the Governor;

13. One person over the age of 60 years to represent the interests of elders, appointed by the Governor;

14. One person under the age of 18 years to represent the interests of children, appointed by the Governor; and

15. One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.

On motion by Rep. Fasano, the House concurred in Senate Amendments 1, 2, 3, 4, and 5. The question recurred on the passage of CS/HB 563. The vote was:

Session Vote Sequence: 425

Yeas—120

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

Nays—None

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

On motion by Rep. Waters, consideration of **CS/CS/HB 681** was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 638 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Wasserman Schultz—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

—was read the first time by title. On motion by Rep. Henriquez, the rules were waived and the bill was read the second time by title.

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 100171)

Amendment 1 (with title amendment)—On page 1, line 10, of the bill

insert:

Section 1. *There is hereby appropriated from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Educational Program for fiscal year 2001-2002 a sum of $200,000.*

And the title is amended as follows:

On page 1, line 2,
remove from the title of the bill: all of said line

and insert in lieu thereof: An act relating to education; providing an appropriation to the University of Miami-RSMAS Integrated Marine Research and Educational Program;

Rep. Diaz-Balart moved the adoption of the amendment.

Further consideration of **SB 638**, with pending amendment, was temporarily postponed under Rule 11.10.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1038, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Criminal Justice and Senator Sanderson—

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a "vehicular homicide"; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

—was read the first time by title.

Rep. Andrews moved to waive the rules and read CS for CS for SB 1038 the second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 426

Yeas—78

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

Nays—41

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

Votes after roll call:
Yeas—Bean

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1284, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Peaden—

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 328.42, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term "support order"; defining the term "support"; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver's license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term "gross income" with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 120.80, F.S.; providing for

proceedings for administrative child support orders under the Department of Revenue; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing for a case analysis; providing effective dates.

—was read the first time by title. On motion by Rep. Crow, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 427

Yeas—114

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

Nays—None

Votes after roll call:
Yeas—Andrews, Fiorentino

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1344 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Saunders—

SB 1344—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

—was read the first time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 428

Yeas—117

The Chair	Bucher	Green	Littlefield
Alexander	Bullard	Greenstein	Lynn
Allen	Byrd	Haridopolos	Machek
Andrews	Cantens	Harper	Mack
Argenziano	Carassas	Harrell	Mahon
Arza	Clarke	Hart	Maygarden
Attkisson	Crow	Henriquez	McGriff
Atwater	Cusack	Heyman	Meadows
Ausley	Davis	Hogan	Mealor
Baker	Detert	Holloway	Melvin
Ball	Diaz de la Portilla	Jennings	Miller
Barreiro	Diaz-Balart	Johnson	Murman
Baxley	Dockery	Jordan	Needelman
Bean	Farkas	Joyner	Negron
Bendross-Mindingall	Fasano	Justice	Paul
Bennett	Fields	Kallinger	Peterman
Bense	Fiorentino	Kendrick	Pickens
Benson	Flanagan	Kilmer	Prieguez
Berfield	Frankel	Kosmas	Rich
Betancourt	Gannon	Kottkamp	Richardson
Bilirakis	Garcia	Kravitz	Ritter
Bowen	Gardiner	Kyle	Romeo
Brown	Gelber	Lacasa	Ross
Brummer	Gibson	Lee	Rubio
Brutus	Gottlieb	Lerner	Russell

Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	
Siplin	Spratt	Weissman	
Slosberg	Stansel	Wiles	

Nays—None

So the bill passed and was immediately certified to the Senate.

Motion to Reconsider

Rep. Ryan moved that the House reconsider the vote by which the motion to waive the rules and read **CS for CS for SB 1038** the second time failed to receive the necessary two-thirds vote for adoption, which was agreed to. The vote was:

Session Vote Sequence: 429

Yeas—77

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

Nays—41

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

The question recurred on the motion to waive the rules and read **CS for CS for SB 1038** the second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 430

Yeas—78

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

Nays—42

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1530, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Geller—

CS for SB 1530—A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensing requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

—was read the first time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the second time by title.

Motion

Rep. Brown moved that his remarks relating to **CS for SB 1530** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

On motion by Rep. Brown, the rules were waived and CS for SB 1530 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 431

Yeas—119

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

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

Nays—None

Votes after roll call:
Yeas—Smith

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1642, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Comprehensive Planning, Local and Military Affairs and Senator Latvala—

CS for SB 1642—A bill to be entitled An act relating to exemptions from taxation; amending s. 196.202, F.S.; defining the term "totally and permanently disabled person"; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

—was read the first time by title. On motion by Rep. Littlefield, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 432

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Detert

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1722 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senator Horne—

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

—was read the first time by title. On motion by Rep. Arza, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 433

Yeas—118

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

Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner
Smith	Stansel	Weissman	
Sobel	Trovillion	Wiles	

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 405, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 405—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senate Amendment 1—On page 2, line 11, through page 3, line 2, delete those lines

and insert:

(b) Information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of the information would reveal information specific to a particular policy or policyholder. This exemption does not prevent the disclosure of any information by the Florida Surplus Lines Service Office to the department, but the exemption applies to records obtained by the department from the Florida Surplus Lines Service Office. The exemption does not apply to any proceeding instituted by the department against an agent or insurer. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *The Legislature finds that it is a public necessity that certain records of the Department of Insurance and the Florida Surplus Lines Service Office be held confidential and exempt. The disclosure of surplus lines policy information submitted to the Department of Insurance or to the Florida Surplus Lines Service Office, to the extent that such information reveals information specific to a particular policy or policyholder, would be harmful to insurers or agents due to the economic value of such information if revealed to competitors. Such information may also reveal economic information about the policyholder that would be harmful as an invasion of privacy of the policyholder. Accordingly, it is a public necessity that such information be held confidential and exempt.*

On motion by Rep. Brummer, the House concurred in Senate Amendment 1. The question recurred on the passage of HB 405. The vote was:

Session Vote Sequence: 434

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Carassas, Gannon, Justice

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 601, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 601—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; providing an exemption for fraudulent conveyances; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

Senate Amendment 2—On page 10, lines 19-28, delete those lines

and insert: *lien as the equities may require. This subsection shall not apply to:*

(a) A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102;

(b) A fraudulent transfer, as defined by s. 726.105, s. 726.106, or 11 U.S.C. 548;

(c) A fraudulent asset conversion as defined by s. 222.30;

(d) Twenty-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds $10,000;

(e) Fifty percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds $20,000;

(f) Seventy-five percent of the transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds $25,000; or

(g) Any transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds $30,000.

Senate Amendment 3—On page 14, line 10, delete "*55.202(2)*"

and insert: *55.202(2)(b)*

Senate Amendment 4—On page 4, line 7, delete "*s. 55.205(5)*"

and insert: *s. 55.202(5)*

On motion by Rep. Pickens, the House concurred in Senate Amendments 2, 3, and 4. The question recurred on the passage of HB 601. The vote was:

Session Vote Sequence: 435

Yeas—118

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

Nays—None

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

On motion by Rep. Goodlette—

SB 638—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing for use of donated sick leave and restrictions; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Diaz-Balart to adopt Amendment 1.

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

Representative(s) Attkisson, Needelman, Diaz-Balart, and Negron offered the following:

(Amendment Bar Code: 702977)

Amendment 2 (with directory language and title amendments)—On page 1, between lines 15 and 16, of the bill

insert:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis *is* ~~shall be~~ entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which *may* ~~shall~~ not be used *before* ~~prior to the time~~ it is earned and credited to the employee. However, each member of the instructional staff and each other employee *is* ~~shall be~~ entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 ~~sick~~ days *of sick leave* available to him or her, the district school board may withhold the average daily amount for the *days of* sick *leave used* ~~days utilized~~ but unearned by the employee. Such leave *may* ~~shall~~ be taken only when necessary because of sickness as ~~herein~~ prescribed *in this section*. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons *must* ~~shall~~ be charged only to accrued sick leave, and leave for personal reasons *is* ~~shall be~~ noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay *may* ~~shall~~ not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. ~~However, for such employees hired on or after July 1, 1995,~~

a. Terminal pay *may* ~~shall~~ not exceed ~~an amount determined as follows:~~

~~a.~~ one-fourth of all unused sick leave accumulated on or after July 1, *2001, and may* ~~1995; however, terminal pay allowable for such accumulated sick leave shall~~ not exceed a maximum of 60 days of actual payment. *This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.*

b. For unused sick leave accumulated *before* ~~prior to~~ July 1, *2001* ~~1995~~, terminal payment shall be made pursuant to a district school board's policies*, contracts, or rules that* ~~which~~ are in effect on *June 30, 2001* ~~July 1, 1995~~.

c. If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

And the directory language is amended as follows:

On page 1, lines 11-12,
remove: all of said lines

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (3) of section 231.40, Florida Statutes, is amended, and paragraph (e) is added to said subsection to read:

And the title is amended as follows:

On page 1, line 3 ,

insert after the semicolon: limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave;

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

Representative(s) Negron, Attkisson, and Harrell offered the following:

(Amendment Bar Code: 962827)

Amendment 3 (with directory language and title amendments)—On page 1, between lines 26 and 27, of the bill

insert:

(f) Use of savings.—District school boards are authorized and encouraged to use any savings realized by limiting terminal pay for sick leave accrued by school administrators to annually fund existing supplemental retirement programs or to establish a supplemental retirement program for school administrators.

And the directory language is amended as follows:

On page 1, lines 11 and 12,
remove: all of said lines

and insert in lieu thereof:

Section 1. Paragraphs (e) and (f) are added to subsection (3) of section 231.40, Florida Statutes, to read:

And the title is amended as follows:

On page 1, line 6,

insert after the semicolon: authorizing and encouraging district school boards to use savings to fund existing supplemental retirement programs or to establish such programs;

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

Reconsideration

On motion by Rep. Needelman, the House reconsidered the vote by which **Amendment 3** was adopted. The question recurred on the adoption of the amendment, which failed of adoption.

On motion by Rep. Henriquez, the rules were waived and SB 638, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 436

Yeas—118

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

Nays—None

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 688.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 688 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Health, Aging and Long-Term Care and Health, Aging and Long-Term Care—

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

—was read the first time by title. On motion by Rep. Green, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 437

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

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

Bills and Joint Resolutions on Third Reading

SB 130—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

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

Session Vote Sequence: 438

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

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.

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

Session Vote Sequence: 439

Yeas—119

The Chair	Brummer	Gardiner	Kilmer
Alexander	Brutus	Gelber	Kosmas
Allen	Bucher	Gibson	Kottkamp
Andrews	Bullard	Goodlette	Kravitz
Argenziano	Byrd	Gottlieb	Kyle
Arza	Cantens	Green	Lacasa
Attkisson	Carassas	Greenstein	Lee
Atwater	Clarke	Haridopolos	Lerner
Ausley	Crow	Harper	Littlefield
Baker	Cusack	Harrell	Machek
Ball	Davis	Harrington	Mack
Barreiro	Detert	Hart	Mahon
Baxley	Diaz de la Portilla	Henriquez	Mayfield
Bean	Diaz-Balart	Heyman	Maygarden
Bendross-Mindingall	Dockery	Hogan	McGriff
Bennett	Farkas	Holloway	Meadows
Bense	Fasano	Jennings	Mealor
Benson	Fields	Johnson	Melvin
Berfield	Fiorentino	Jordan	Miller
Betancourt	Flanagan	Joyner	Murman
Bilirakis	Frankel	Justice	Needelman
Bowen	Gannon	Kallinger	Negron
Brown	Garcia	Kendrick	Paul

Peterman	Ross	Slosberg	Wallace
Pickens	Rubio	Smith	Waters
Prieguez	Russell	Sobel	Weissman
Rich	Ryan	Sorensen	Wiles
Richardson	Seiler	Spratt	Wilson
Ritter	Simmons	Stansel	Wishner
Romeo	Siplin	Trovillion	

Nays—None

Votes after roll call:
Yeas—Lynn

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of SB 1162.

Special Orders

Continuation of Special Order Calendar

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Baxley to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**.

Reconsideration

Without objection the House reconsidered the vote by which **Amendment 1 to Amendment 1** was adopted (shown in the *Journal* earlier today). The question recurred on the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 742845)

Amendment 3 to Amendment 1 (with title amendment)—On page 7, lines 16-31, and on page 8 lines 1-12,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 80, lines 22-28, of the amendment
remove: all of said lines

and insert in lieu thereof: providing for an annual report; amending s. 240.35, F.S.; revising

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

Representative(s) Baxley and Diaz-Balart offered the following:

(Amendment Bar Code: 512709)

Amendment 4 to Amendment 1 (with title amendment)—On page 26, line 10 through page 28 line 5,
remove from the amendment: all of said lines

And the title is amended as follows:

On page 82, lines 3-6, of the amendment
remove: all of said lines

and insert in lieu thereof: providing for transfer of awards;

Rep. Baxley 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.

On motion by Rep. Baxley, the rules were waived and SB 1162, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 440

Yeas—119

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

Nays—None

Votes after roll call:
Yeas—Fiorentino

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

Recessed

On motion by Rep. Goodlette, the House recessed at 1:34 p.m., to reconvene at 2:30 p.m. today or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 2:36 p.m. A quorum was present [Session Vote Sequence: 441].

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 784.

Consideration of CS for CS for SB 784

On motion by Rep. Spratt, the rules were waived by the required two-thirds vote and—

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure

requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term "agency"; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—was read the second time by title.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 375733)

Amendment 1 (with title amendment)—On page 29, line 23, through page 41, line 2
remove from the bill: all of said lines

And the title is amended as follows:

On page 2, line 23, through page 3, line 26
remove from the title of the bill: all of said lines

and insert in lieu thereof: severability; amending s.

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

On motion by Rep. Spratt, the rules were waived and CS for CS for SB 784, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 442

Yeas—112

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

Nays—None

Votes after roll call:
Yeas—Gannon, Joyner, Ryan, Smith, Sobel

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

Consideration of CS for CS for SB 306

On motion by Rep. Melvin, the rules were waived by the required two-thirds vote and—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that

a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072. F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 132287)

Amendment 1 (with title amendment)—On page 40, between lines 25 and 26, of the bill

insert:

Section 13. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 14. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 15. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 16. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 17. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the~~ appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 18. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are* affiliated with national organizations ~~which do not provide child care,~~ whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 3, line 16,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

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

On motion by Rep. Melvin, the rules were waived and CS for CS for SB 306 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 443

Yeas—114

The Chair	Ball	Betancourt	Cantens
Alexander	Barreiro	Bilirakis	Carassas
Allen	Baxley	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Atwater	Bense	Bucher	Detert
Ausley	Benson	Bullard	Diaz de la Portilla
Baker	Berfield	Byrd	Diaz-Balart

Dockery	Heyman	Machek	Rubio
Farkas	Hogan	Mack	Russell
Fasano	Holloway	Mayfield	Ryan
Fields	Jennings	Maygarden	Seiler
Fiorentino	Johnson	McGriff	Simmons
Frankel	Jordan	Meadows	Siplin
Gannon	Joyner	Mealor	Slosberg
Garcia	Justice	Melvin	Smith
Gardiner	Kallinger	Miller	Sobel
Gibson	Kendrick	Murman	Sorensen
Goodlette	Kilmer	Needelman	Spratt
Gottlieb	Kosmas	Negron	Stansel
Green	Kottkamp	Paul	Trovillion
Greenstein	Kravitz	Peterman	Wallace
Haridopolos	Kyle	Pickens	Waters
Harper	Lacasa	Prieguez	Weissman
Harrell	Lee	Rich	Wilson
Harrington	Lerner	Ritter	Wishner
Hart	Littlefield	Romeo	
Henriquez	Lynn	Ross	

Nays—None

Votes after roll call:
Yeas—Flanagan, Gelber, Richardson, Wiles

So the bill passed and was immediately certified to the Senate.

Consideration of CS for SB 1128

On motion by Rep. Bilirakis, the rules were waived by the required two-thirds vote and—

CS for SB 1128—A bill to be entitled An act relating to medical treatment; creating the "Access to Medical Treatment Act"; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual's legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in compliance with the act does not constitute unprofessional conduct; providing that the act does not modify the scope of practice or the provisions of the practice act of licensees; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 544985)

Amendment 1 (with title amendment)—On page 2, between lines 26 and 27, of the bill

insert:

Section 2. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 3. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 4. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 5. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 6. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the~~ appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 7. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are* affiliated with national organizations ~~which do not provide child care,~~ whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 1, line 16,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

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

On motion by Rep. Bilirakis, the rules were waived and CS for SB 1128 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 444

Yeas—118

The Chair	Ball	Betancourt	Cantens
Alexander	Barreiro	Bilirakis	Carassas
Allen	Baxley	Bowen	Clarke
Andrews	Bean	Brown	Crow
Argenziano	Bendross-Mindingall	Brummer	Cusack
Arza	Bennett	Brutus	Davis
Attkisson	Bense	Bucher	Detert
Atwater	Benson	Bullard	Diaz de la Portilla
Baker	Berfield	Byrd	Diaz-Balart

Dockery	Henriquez	Machek	Rubio
Farkas	Heyman	Mack	Russell
Fasano	Hogan	Mahon	Ryan
Fields	Holloway	Mayfield	Seiler
Fiorentino	Jennings	Maygarden	Simmons
Flanagan	Johnson	McGriff	Siplin
Frankel	Jordan	Meadows	Slosberg
Gannon	Joyner	Mealor	Smith
Garcia	Justice	Melvin	Sobel
Gardiner	Kallinger	Miller	Sorensen
Gelber	Kendrick	Murman	Spratt
Gibson	Kilmer	Needelman	Stansel
Goodlette	Kosmas	Negron	Trovillion
Gottlieb	Kottkamp	Peterman	Wallace
Green	Kravitz	Pickens	Waters
Greenstein	Kyle	Prieguez	Weissman
Haridopolos	Lacasa	Rich	Wiles
Harper	Lee	Richardson	Wilson
Harrell	Lerner	Ritter	Wishner
Harrington	Littlefield	Romeo	
Hart	Lynn	Ross	

Nays—None

Votes after roll call:
Yeas—Ausley

So the bill passed and was immediately certified to the Senate.

Consideration of CS for SB 2054

On motion by Rep. Byrd, the rules were waived by the required two-thirds vote and—

CS for SB 2054—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University's College of Nursing the "Louis and Anne Green Alzheimer's Research Center"; designating the Florida Atlantic University Dania Beach Campus facility the "Kenneth C. Jenne Building"; designating the observatory at Florida Gulf Coast University the "Evelyn L. Egan Astronomical Observatory"; designating the student and educational center at Florida Gulf Coast University the "Sugden Welcome Center"; designating the building at the Women's Soccer and Softball Complex at Florida State University the "Mary Ann Stiles and Barry Smith Team Building"; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the "Kasha Laboratory"; designating the University of Central Florida's School of Hospitality Management the "Harris Rosen School of Hospitality Management" and the facility that houses said school "Rosen Hall"; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the "William W. and Nadine M. McGuire Hall"; designating the new alumni center at the University of Florida the "Emerson Alumni Hall"; designating the new accounting building at the University of Florida's Warrington School of Business the "Gary R. Gerson Hall"; designating the women's gymnasium at the University of Florida the "Kathryn Chicone Ustler Hall"; designating the marine science complex at the University of South Florida's St. Petersburg Campus as the "C.W. 'Bill' Young Marine Science Complex"; designating the science research building at Florida Agricultural and Mechanical University as the "Frederick S. Humphries Science and Research Center"; designating the new honors college building at the University of Central Florida as the "Burnett Honors College"; naming the law school at Florida International University the "Rafael Diaz-Balart Building"; authorizing the erection of suitable markers; providing an effective date.

—was read the second time by title. On motion by Rep. Mealor, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 445

Yeas—118

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

Nays—None

So the bill passed and was immediately certified to the Senate.

Special Orders

Continuation of Special Order Calendar

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term "direct-support organization"; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 254861)

Amendment 1 (with title amendment)—On page 11, between lines 13 and 14, of the bill

insert:

Section 9. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 10. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 11. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 12. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 13. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the~~ appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 14. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are* affiliated with national organizations ~~which do not provide child care,~~ whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 2, line 3,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an

appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

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

Representative(s) Crow offered the following:

(Amendment Bar Code: 501593)

Amendment 2 (with title amendment)—On page 11, between lines 13 and 14,

insert:

Section 9. Subsection (3) of section 765.401, Florida Statutes, is amended to read:

765.401 The proxy.—

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305*;*~~,~~ except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent*, and a guardian ad litem not related to the patient must be appointed to represent the patient's interests*.

Section 10. Paragraph (f) is added to subsection (4) of section 744.3215, Florida Statutes, to read:

(f) Consent to or otherwise direct on behalf of the ward to withdraw or withhold life-prolonging procedures. Any authority exercised under this paragraph must comply with chapter 765.

And the title is amended as follows:

On page 2, line 3,

after the semicolon insert: amending s. 765.401, F.S.; requiring appointment of a guardian ad litem when a proxy seeks to withhold or withdraw life-prolonging procedures; amending s. 744.3215, F.S.; providing that a guardian must seek court approval to withdraw or withhold life-prolonging procedures;

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

On motion by Rep. Hogan, the rules were waived and CS for CS for SB 374, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 446

Yeas—120

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

Nays—None

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

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.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 870799)

Amendment 1 (with title amendment)—On page 9, between lines 27 and 28, of the bill

insert:

Section 3. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

402.3055 Child care personnel requirements.—

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.—

(a) The department or local licensing agency shall require that the application for a child care license contain a question that specifically asks the applicant, owner, or operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant, owner, or operator shall *sign an affidavit attesting* ~~attest~~ to the accuracy of the information requested under penalty of perjury.

1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or local licensing agency shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a child care facility.

2. If the applicant, owner, or operator denies that he or she has been a party in such action in Florida, the department or local licensing agency shall validate the information provided by reviewing statewide child care licensing records to determine if the applicant has had a license denied, revoked, or suspended or has been the subject of a disciplinary action or been fined while employed in a child care facility prior to issuing a license.

3. If the department or local licensing agency determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.

Section 4. Section 402.3105, Florida Statutes, is created to read:

402.3105 Central database on violations, citations, and penalties imposed against child care facilities.—The Department of Children and Family Services shall establish and maintain a central database to

record and compile all district information relating to violations, citations, and penalties imposed against child care facilities regulated by the department. The database shall be designed by the State Technology Office, in consultation with the department pursuant to chapter 282, and the department shall implement, operate, and maintain the system in accordance with the policies and procedures established by the office. The database shall be operated in a manner that enables the department to identify and locate such information for purposes of monitoring and evaluating the uniformity and effectiveness of district investigations and enforcement, in order to ensure compliance of child care facilities with state regulatory requirements. The database shall further maintain and produce aggregate statistical reports monitoring patterns of violations, citations, and penalties, including the classes and types of violations, and any actions taken to suspend or revoke the license of a child care facility. The information in the database shall serve as a resource for the evaluation of child care facilities for license renewal but may not be used for employment screening. The information in the database shall be made available to the public upon request.

Section 5. *The Department of Children and Family Services shall establish and impose uniform penalties for violations of ss. 402.301-402.319, Florida Statutes, and rules adopted thereunder.*

Section 6. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

Section 7. Subsection (9) of section 409.146, Florida Statutes, is amended to read:

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to the ~~Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the~~ appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 8. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are* affiliated with national organizations ~~which do not provide child care,~~ whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 1, line 12,

after the semicolon insert: amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing that implementation is not subject to an appropriation; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

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

Session Vote Sequence: 447

Yeas—42

Argenziano	Garcia	Kravitz	Siplin
Ausley	Gelber	Lee	Slosberg
Ball	Gottlieb	Lerner	Smith
Bendross-Mindingall	Greenstein	Lynn	Sobel
Betancourt	Harper	Machek	Wallace
Bucher	Henriquez	Peterman	Weissman
Bullard	Heyman	Rich	Wiles
Cusack	Holloway	Richardson	Wilson
Davis	Joyner	Ross	Wishner
Frankel	Justice	Ryan	
Gannon	Kosmas	Seiler	

Nays—70

The Chair	Berfield	Farkas	Jennings
Alexander	Bowen	Fasano	Jordan
Allen	Brummer	Fields	Kallinger
Andrews	Brutus	Flanagan	Kendrick
Arza	Byrd	Gardiner	Kilmer
Attkisson	Cantens	Gibson	Kottkamp
Atwater	Carassas	Goodlette	Kyle
Baker	Clarke	Green	Mack
Barreiro	Crow	Haridopolos	Mahon
Bean	Detert	Harrell	Mayfield
Bennett	Diaz de la Portilla	Harrington	Maygarden
Bense	Diaz-Balart	Hart	McGriff
Benson	Dockery	Hogan	Meadows

Mealor	Negron	Romeo	Stansel
Melvin	Paul	Rubio	Trovillion
Miller	Pickens	Russell	Waters
Murman	Prieguez	Simmons	
Needelman	Ritter	Spratt	

On motion by Rep. Baxley, the rules were waived and SB 666 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 448

Yeas—118

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

Nays—None

Votes after roll call:
Yeas—Joyner

So the bill passed and was immediately certified to the Senate.

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the "Florida Civil Rights Act of 1992"; revising procedures for filing complaints; providing an effective date.

—was read the second time by title. On motion by Rep. Benson, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 449

Yeas—112

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1260.

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.

—was read the second time by title.

Representative(s) Green offered the following:

(Amendment Bar Code: 880317)

Amendment 1 (with title amendment)—On page 2, line 22,

insert:

Section 1. Subsection (3) of section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(3) Before recovery under subsection (1) ~~or subsection (2)~~ may be claimed, a written demand shall be delivered by certified or registered

mail, evidenced by return receipt, to the maker or drawer of the check, draft, or order of payment. The form of such notice shall be substantially as follows:

"You are hereby notified that a check numbered . . . . in the face amount of $. . . . issued by you on . . .(date). . ., drawn upon . . .(name of bank). . ., and payable to . . . . , has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of $25, if the face value does not exceed $50, $30, if the face value exceeds $50 but does not exceed $300, $40, if the face value exceeds $300, or 5 percent of the face amount of the check, whichever is greater, the total amount due being $. . . . and . . . . cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than $50, in addition to the payment of the check plus any court costs, reasonable attorney fees, and any bank fees incurred by the payee in taking the action."

And the title is amended as follows:

On page 1, line 2 after the semicolon,

insert: amending s. 68.065, F.S.; removing a requirement that a written demand be delivered as a requirement for certain recoveries on worthless checks, drafts, or orders of payment;

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

Representative(s) Green offered the following:

(Amendment Bar Code: 804975)

Amendment 2 (with title amendment)—On page 3, between lines 15 and 16,

insert:

Section 3. Paragraph (b) of subsection (2) of section 655.059, Florida Statutes, is amended to read:

655.059 Access to books and records; confidentiality; penalty for disclosure.—

(2)

(b) The books and records pertaining to the deposit accounts and loans of depositors, borrowers, members, and stockholders of any financial institution shall be kept confidential by the financial institution and its directors, officers, and employees and shall not be released except upon express authorization of the account holder as to her or his own accounts, loans, or voting rights. However, information relating to any loan made by a financial institution may be released without the borrower's authorization in a manner prescribed by the board of directors for the purpose of meeting the needs of commerce and for fair and accurate credit information. Information may also be released, without the authorization of a member or depositor but in a manner prescribed by the board of directors, to verify or corroborate the existence or amount of a customer's or member's account when such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. In addition, a financial institution, *affiliate,* and its subsidiaries, and any holding company of the financial institution or subsidiary of such holding company, may furnish to one another information relating to their customers or members, subject to the requirement that each corporation receiving information that is confidential maintain the confidentiality of such information and not provide or disclose such information to any unaffiliated person or entity. *Notwithstanding this paragraph, nothing in this subsection shall prohibit a financial institution from disclosing financial information as referenced in this subsection as permitted by Public Law 106-102(1999), as set forth in 15 U.S.C.A., s. 6802, as amended.*

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: amending s. 655.059, F.S.; authorizing certain disclosures permitted by certain federal law;

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

On motion by Rep. Green, the rules were waived and CS for SB 1260, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 450

Yeas—118

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

Nays—2

Bucher	Gelber

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1506.

On motion by Rep. Kendrick, the rules were waived by the required two-thirds vote and—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; 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: 451

Yeas—108

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley
Baker
Ball
Baxley
Bean
Bendross-Mindingall
Bennett
Bense
Benson
Berfield
Betancourt
Bilirakis
Brown
Brummer
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas
Clarke
Crow
Cusack
Davis
Detert
Diaz-Balart
Dockery
Farkas
Fasano
Fields
Fiorentino
Flanagan
Frankel
Gannon
Garcia
Gardiner
Gelber
Gibson
Goodlette
Gottlieb
Green
Greenstein
Haridopolos
Harper
Harrell
Hart
Henriquez
Heyman
Hogan
Holloway
Jennings
Jordan
Joyner
Justice
Kallinger
Kilmer
Kosmas
Kottkamp
Kravitz
Lacasa
Lee
Lerner
Littlefield
Lynn
Machek
Mack
Mahon
Mayfield
Maygarden
McGriff
Meadows
Mealor
Miller
Murman
Needelman
Negron
Paul
Peterman
Pickens
Prieguez
Rich
Richardson
Romeo
Ross
Rubio
Russell
Ryan
Seiler
Simmons
Slosberg
Smith
Sobel
Sorensen
Spratt
Trovillion
Wallace
Waters
Weissman
Wiles
Wilson

Nays—None

Votes after roll call:
Yeas—Barreiro, Kendrick, Stansel, Wishner

So the bill passed and was immediately certified to the Senate.

Consideration of CS for SB 886

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 886.

On motion by Rep. Carassas, the rules were waived by the required two-thirds vote and—

CS for SB 886—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

—was read the second time by title. On motion by Rep. Carassas, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 452

Yeas—116

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of SB 850.

Consideration of SB 850

On motion by Rep. McGriff, the rules were waived by the required two-thirds vote and—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing an effective date.

—was read the second time by title.

Representative(s) McGriff offered the following:

(Amendment Bar Code: 372859)

Amendment 1 (with title amendment)—On page 3, between lines 22 and 23, of the bill

insert:

Section 2. Subsection (1) of section 255.31, Florida Statutes, is amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985*; the Governor's mansion and grounds thereof as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street*, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: amending s. 255.31, F.S.; authorizing the Department of Management Services to review certain plans for consistency with the Florida Building Code;

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

On motion by Rep. McGriff, the rules were waived and SB 850, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 453

Yeas—120

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

Nays—None

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

On motion by Rep. Mealor, the rules were waived by the required two-thirds vote and—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of any felony offense is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—was read the second time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

On motion by Rep. Mealor, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 454

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Baxley, the rules were waived by the required two-thirds vote and—

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

—was read the second time by title. On motion by Rep. Baxley, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 455

Yeas—117

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

Spratt	Wallace	Weissman	Wilson
Stansel	Waters	Wiles	Wishner
Trovillion			

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Romeo—

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

—was taken up and read the second time by title. On motion by Rep. Romeo, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 456

Yeas—118

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

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

Announcement

Rep. Romeo informed the House that she would be having surgery after adjournment of the regular session and expressed sincere appreciation for the support she had received from the Membership.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

SB 536—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

—was read the second time by title. On motion by Rep. Harrington, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 457

Yeas—114

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

Nays—None

Votes after roll call:
Yeas—Brummer, Cantens

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

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1956, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce and Economic Opportunities and Senators Latvala, Sanderson and Crist—

CS for SB 1956—A bill to be entitled An act relating to motor vehicles; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; amending s. 320.699, revising provisions relating to administrative hearings; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement that prohibits disclosure of its terms is void; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

—was read the first time by title. On motion by Rep. Bense, the rules were waived and the bill was read the second time by title.

Representative(s) Bense offered the following:

(Amendment Bar Code: 582367)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Effective July 1, 2001, subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited.—

(4) A law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*~~, as authorized in s. 320.58(1)(a),~~ may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1). Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer*, compliance examiner,* ~~or~~ license inspector*,* or supervisor *of the department*. Any vehicle found in violation of subsection (1) within 10 days after a previous violation and written notice shall be subject to immediate removal without an additional waiting period.

Section 2. Subsection (4) of section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed $100 *or the fine amount designated by county ordinance,* plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

Section 3. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any *commercial* motor vehicle or trailer~~, except as stated in s. 316.515(7),~~ transporting a load of *unprocessed* logs~~,~~ *or* ~~long~~ pulpwood, ~~poles, or posts~~ which *load extends* ~~extend~~ more than 4 feet beyond the rear of the body or bed of such vehicle*,* must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. *If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights must be used to meet the visibility requirements of this subsection.* The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. *The projecting load must also be marked with a red flag as described in subsection (1).*

Section 4. Subsection (6) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(6) One hundred dollars *or the fine amount designated by county ordinance, plus court costs* for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a $5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

Section 5. Subsection (5) of section 319.23, Florida Statutes, is amended, and a new subsection (11) is added to that section to read:

319.23 Application for, and issuance of, certificate of title.—

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. ~~The department shall retain the evidence of title presented by the applicant and based on which the certificate of title is issued.~~ The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title is issued.

Section 6. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 320.023, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contributions if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 7. Paragraphs (a), (b) and (c) of subsection (8) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if:

1. Less than 8,000 plates*, including annual renewals,* are issued for that specialty license plate by the end of the 5th year of sales.

2. Less than 8,000 plates*. including annual renewals,* are issued for that specialty license plate during any subsequent 5-year period.

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.*

(c) The requirements of paragraph (a) shall not apply to collegiate specialty license plates authorized in s. 320.08058(3)*,* ~~and~~(13)*, (21), and (26)*.

Section 8. Section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits *and attestation* required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

~~(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $25,000 in annual use fee proceeds directly from the department, or from another state agency, may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit~~ or report shall be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(2) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 9. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any license plate or fuel-use tax decal if the owner pays for the license plate, fuel-use tax decal, or any tax liability, penalty, or interest specified in chapter 207 by a dishonored check*, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office.*. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 10. Subsection (4) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, Class C licensee, or Class D licensee, who is under the age of 18 years. A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of ss. 322.09*,* ~~and~~ 322.16(2) and (3)*, and 322.05(2)(a) and (b)*. ~~Any person who applies for a Class D driver's license who is age 16 or 17 years must have had a learner's driver's license or a driver's license for at least 90 days before he or she is eligible to receive a Class D driver's license.~~ The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.

Section 11. Paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 322.081, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

322.081 Requests to establish voluntary *check-off* ~~checkoff~~ on driver's license application.—

(4)

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. *Organizations are required to notify the department immediately to stop warrants for voluntary check-off contribution, if any of the conditions in this subsection exist, and must meet the requirements of paragraph (5)(b) or paragraph (5)(c), if applicable, for any period of operation during the fiscal year.*

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law~~, or to pay the cost of the audit or report required by law~~.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

~~(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law.~~

(b)~~(c)~~ *Any organization not subject to* ~~In lieu of an annual~~ audit *pursuant to s. 215.97 shall*~~, any organization receiving less than $15,000 in voluntary contributions directly from the department may~~ annually *attest* ~~report~~, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(c)~~(d)~~ Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(d)~~(e)~~ *Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General.* The annual *attestation* ~~audit or report~~ must be submitted to the department for review within *9 months* ~~180 days~~ after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or *attestation* ~~report~~, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The ~~Auditor General and the~~ department *has* ~~have~~ the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(8) All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 12. Section 322.161, Florida Statutes, is amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any Class D or Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

(b) Upon determination that any person has accumulated *six* ~~four~~ or more points, the department shall notify the licensee and issue the licensee a restricted license for business purposes only. The licensee must appear before the department within 10 days after notification to have this restriction applied. The period of restriction shall be for a period of no less than 1 year beginning on the date it is applied by the department.

(c) The restriction shall be automatically withdrawn by the department after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of restriction shall be extended 90 days for each point. The restriction shall also be automatically withdrawn upon the licensee's 18th birthday if no other grounds for restriction exist. The licensee must appear before the department to have the restriction removed and a duplicate license issued.

(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated *six* ~~four~~ or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of *six* ~~four~~ or more points.

(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.

(3) Any action taken by the department pursuant to this section shall not be subject to any formal or informal administrative hearing or similar administrative procedure.

(4) The department shall adopt rules to carry out the purposes of this section.

Section 13. Section 322.222, Florida Statutes, is created to read:

322.222 Right to review.—A driver may request an administrative hearing to review a revocation under s. 322.221(3). The hearing must be held in accordance with the department's administrative rules adopted under chapter 120.

Section 14. Subsections (1), (3), and (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s.

316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the *10th* ~~30th~~ day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the license of the person arrested should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a *10-day* ~~30-day~~ permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 15. Subsection (3) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(3) DUI programs must be operated by either governmental entities or not-for-profit corporations.

Section 16. Subsections (8), (9), and (10) are added to section 322.61, Florida Statutes, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(9) A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (10):

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

(c) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(d) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(e) For all drivers, failing to obey a traffic control device or all directions of an enforcement official at the crossing.

(f) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 17. Subsections (1) and (3) of section 322.64, Florida Statutes, are amended to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a *10-day* ~~30-day~~ temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the *10th* ~~30th~~ day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of disqualification and, unless the notice is mailed pursuant to s. 322.251, a temporary permit which expires *10* ~~30~~ days after the date of issuance if the driver is otherwise eligible.

Section 18. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less *$1.4 million for* any administrative costs *which shall be deposited in the Highway Safety Operating Trust Fund, in each fiscal year beginning on or after July 1, 2001*, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to $1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4).

(b) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(c) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 19. Paragraph (a) of subsection (11) of section 320.60, Florida Statutes, is amended and a new subsection (15) is added to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(11)(a) "Motor vehicle dealer" means any person, firm, *company,* ~~or~~ corporation*, or other entity,* who,

1. Is licensed pursuant to s. 320.27 as a "franchised motor vehicle dealer" and, for commission, money or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to an agreement as defined in subsection (1), or

2. Who sells, exchanges, buys, *leases* or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles*,* or

3. Who is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, *company,* or corporation.

(15) "Sell," "selling," "sold," "exchange," "retail sales," and "leases" includes any transaction where the title of motor vehicle or used motor vehicle is transferred to a retail consumer, and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Establishing a price for sale pursuant to s. 320.64(24) does not constitute a sale or lease.

Section 20. Subsection (4) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, distributors, importers, etc.—

(4) When a complaint of unfair *or prohibited* cancellation *or nonrenewal* of a dealer agreement is made by a motor vehicle dealer

against a licensee and *such complaint is pending* ~~is in the process of being heard~~ pursuant to ss. 320.60-320.70 ~~by the department~~, no replacement application for such agreement shall be granted *and no license shall be issued by the department under s. 320.27 to any replacement dealer* until a final decision is rendered ~~by the department~~ on the complaint of unfair cancellation*, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.641(7)*.

Section 21. Subsections (13) and (16) are repealed, subsections (14), (15), and (17)-(23) are renumbered, subsection (20) is amended and renumbered as (18), and subsections (22)-(33) are added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license *of a licensee under s. 320.61* may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, *upon a proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing and a licensee or applicant shall be liable for claims and remedies provided in s. 320.695 and s. 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:* ~~upon proof that an applicant or licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the applicant:~~

~~(13) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement specifically publicly advertised by such applicant or licensee to be available for immediate delivery. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. The failure to deliver parts or components for the current and 5 preceding years' models within 60 days from date of order shall be deemed prima facie unreasonable.~~

~~(16) Notwithstanding the terms of any franchise agreement, and unless it can be shown that the licensee's franchised dealer is actively negligent, the applicant or licensee has failed to indemnify and hold harmless its franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney's fees of the motor vehicle dealer, which judgment or settlement arose out of complaints, claims, or lawsuits based upon such grounds as strict liability; negligence; misrepresentation; warranty, express or implied; or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee's franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts, or accessories or other functions of the manufacturer.~~

(18)~~(20)~~ The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. *An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers in this state.*

(22) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle.

(23) The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.

(24) The applicant or licensee has sold a motor vehicle to any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit- organizations, and the federal government.

(25) The applicant or licensee has undertaken an audit of warranty payments or incentive payment previously paid to a motor vehicle dealer in violation of this section or has failed to comply with s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims. Audit of warranty payments shall only be for the 1-year period immediately following the date the claim was paid. Audit of incentive payments shall only be for an 18-month period immediately following the date the incentive was paid. An applicant or licensee shall not deny a claim or charge a motor vehicle dealer back subsequent to the payment of the claim unless the applicant or licensee can show that the claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives.

(26) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles, charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest, or prevented the motor vehicle dealer from participating in any promotion, program, or contest for selling a motor vehicle to a customer who was present at the dealership and the motor vehicle dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country. There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country if the vehicle is titled in one of the fifty United States.

(27) Notwithstanding the terms of any franchise agreement, the applicant or licensee has failed or refused to indemnify and hold harmless any motor vehicle dealer against any judgment for damages, or settlements agreed to by the applicant or licensee, including, without limitation, court costs and reasonable attorneys fees, arising out of complaints, claims, or lawsuits, including, without limitation, strict liability, negligence, misrepresentation, express or implied warranty, or revocation or rescission of acceptance of the sale of a motor vehicle, to the extent the judgment or settlement relates to the alleged negligent manufacture, design, or assembly of motor vehicles, parts, or accessories. Nothing herein shall obviate the licensee's obligations pursuant to chapter 681.

(28) The applicant or licensee has published, disclosed, or otherwise made available in any form information provided by a motor vehicle dealer with respect to sales prices of motor vehicles or profit per motor vehicle sold. Other confidential financial information provided by motor

vehicle dealers shall not be published, disclosed, or otherwise made publicly available except in composite form. However, this information may be disclosed with the written consent of the dealer or in response to a subpoena or order of the Department, a court or a lawful tribunal, or introduced into evidence in such a proceeding, after timely notice to an affected dealer.

(29) The applicant or licensee has failed to reimburse a motor vehicle dealer in full for the reasonable cost of providing a loaner vehicle to any customer who is having a vehicle serviced at the motor vehicle dealer, if a loaner is required by the applicant or licensee, or a loaner is expressly part of an applicant or licensee's customer satisfaction index or computation.

(30) The applicant or licensee has conducted or threatened to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims.

(31) From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:

(a) Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state, or

(b) Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state, or

(c) Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.

(32) Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.

Section 22. Section 320.641, Florida Statutes, is amended and a new subsection (8) is added to read:

320.641 *Discontinuations, cancellations, nonrenewals, modifications, and replacement*~~Unfair cancellation~~ of franchise agreements.—

(1)(a) An applicant or licensee shall give written notice to the motor vehicle dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter the rights or obligations of a motor vehicle dealer under an existing franchise agreement or will substantially impair the sales, service obligations, or investment of the motor vehicle dealer, at least 90 days before the effective date thereof, together with the specific grounds for such action.

(b) The failure by the licensee to comply with the 90-day notice period and procedure prescribed herein shall render voidable, at the option of the motor vehicle dealer, any discontinuation, cancellation, nonrenewal, modification, or replacement of any franchise agreement. Designation of a franchise agreement at a specific location as a "nondesignated point" shall be deemed an evasion of this section and constitutes an unfair cancellation.

(2) Franchise agreements are deemed to be continuing unless the applicant or licensee has notified the department of the discontinuation of, cancellation of, failure to renew, modification of, or replacement of the agreement of any of its motor vehicle dealers; and annual renewal of the license provided for under ss. 320.60-320.70 is not necessary for any cause of action against the licensee.

(3) Any motor vehicle dealer *who receives a notice of intent to discontinue, cancel, not renew, modify, or replace* ~~whose franchise agreement is discontinued, canceled, not renewed, modified, or replaced~~ may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is based on an alleged breach of the franchise agreement which is not in fact a material and substantial breach*; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee shall have burden of proof that such action is fair and not prohibited.*

(4) Notwithstanding any other provision of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days constitutes abandonment by the dealer of his or her franchise agreement. If any motor vehicle dealer abandons his or her franchise agreement, he or she has no cause of action under this section. For the purpose of this section, a dealer shall be considered to be engaged in business with the public if a sales and service facility is open and is performing such services 8 hours a day, 5 days a week, excluding holidays. However, it will not be considered abandonment if such failure to engage in business is due to an act of God, a work stoppage, or a delay due to a strike or labor difficulty, a freight embargo, or other cause over which the motor vehicle dealer has no control, including any violation of ss. 320.60-320.70.

(5) Notwithstanding any other provision of this section, if a motor vehicle dealer has abandoned his or her franchise agreement as provided in subsection (4), the licensee may give written notice to the dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew the franchise agreement with the dealer at least 15 days before the effective date thereof, specifying the grounds for such action. A motor vehicle dealer receiving such notice may file a petition or complaint for determination of whether in fact there has been an abandonment of the franchise.

(6) If the complainant motor vehicle dealer prevails, he or she shall have a cause of action against the licensee for reasonable attorneys' fees and costs incurred by him or her in such proceeding, and he or she shall have a cause of action under s. 320.697.

(7) Except as provided in s. 320.643, no replacement motor vehicle dealer shall be named for this point or location to engage in business *and the franchise agreement shall remain in effect until a final judgment is entered after all appeals are exhausted, provided that, when a motor vehicle dealer appeals a decision upholding a discontinuation, cancellation, or nonrenewal based upon abandonment or revocation of the dealer's license pursuant to s. 320.27, as lawful reasons for such discontinuation, cancellation, or nonrenewal, the franchise agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and that the public interest will not be harmed by keeping the franchise agreement in effect pending entry of final judgment after such appeal.* ~~prior to the final adjudication by the department on the petition or complaint and the exhaustion of all appellate remedies by the canceled or discontinued dealer, if a stay is issued by either the department or an appellate court.~~

(8) If a transfer is proposed pursuant to s. 320.643(1) or (2) after a notice of intent to discontinue, cancel, or not renew a franchise agreement is received but, prior to the final determination, including exhaustion of all appellate remedies of a motor vehicle dealer's complaint or petition contesting such action, the termination proceedings shall be stayed, without bond, during the period that the transfer is being reviewed by the licensee pursuant to s. 320.643.~~,~~ *During the period that the transfer is being reviewed by the licensee, pursuant to s. 320.643, the franchise agreement shall remain in full force and effect, and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer until such time as the licensee has accepted or rejected the proposed tranfer. If the proposed transfer is rejected, the motor*

vehicle dealer shall retain all of its rights pursuant to s. 320.643 to an administrative determination as to whether the licensee's rejection is in compliance with the provisions of s. 320.643, and during the pendency of any such administrative proceeding, and any related appellate proceedings, the termination proceedings shall remain stayed without bond, the franchise agreement shall remain in full force and effect and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer. If a transfer is approved by the licensee or mandated by law, the termination proceedings shall be dismissed with prejudice as moot. The subsection (8) applies only to the first two proposed transfers pursuant to s. 320.643(1) or (2) after notice of intent to discontinue, cancel, or not renew is received.

Section 23. Section 320.643, Florida Statutes, is amended to read:

320.643 Transfer, assignment, or sale of franchise agreements.—

(1) A motor vehicle dealer shall not transfer, assign, or sell a franchise agreement to another person unless the dealer first notifies the licensee of the dealer's decision to make such transfer, by written notice setting forth the prospective transferee's name, address, financial qualification, and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, inform the dealer either of the licensee's approval of the transfer, assignment, or sale or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, its approval of the proposed transfer is deemed granted. No such transfer, assignment, or sale will be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect. ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.~~ For the purposes of this section, the refusal by the licensee to accept a proposed transferee who is of good moral character and who otherwise meets the written, reasonable, and uniformly applied standards or qualifications, if any, of the licensee relating to *financial qualifications of the transferee and* the business experience of *the transferee or* the transferee's executive management ~~required by the licensee of its motor vehicle dealers~~ is presumed to be unreasonable. A *motor vehicle dealer whose proposed sale is rejected* ~~licensee who receives such notice~~ may, within 60 days following such receipt *of such rejection*, file with the department a ~~verified~~ complaint for a determination that the proposed transferee *has been rejected in violation of* ~~is not a person qualified to be a transferee under~~ this section. The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such *a response to the motor vehicle dealer's* ~~verified~~ complaint within *30*~~such 60~~ days *after receipt of the complaint, unless the parties agree in writing to an extension,* ~~period~~ or if the department, after a hearing, ~~dismisses the complaint or~~ renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to this section that such sale, transfer, alienation, or other disposition is to a person who is not, or whose controlling executive management is not, of good moral character. A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, *notify the motor vehicle dealer in writing* ~~file with the department a verified complaint for a determination~~ that the proposed transferee is not a person qualified to be a transferee under this section *and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the Department alleging that the rejection was in violation of the law or the franchise agreement.* The licensee has the burden of proof with respect to all issues raised by such ~~verified~~ complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. If *the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if* ~~the licensee fails to file such verified complaint within such 60-day period or if~~ the department, after a hearing, ~~dismisses the complaint or~~ renders a decision *on the complaint* other than one disqualifying the proposed transferee, the transfer *shall be deemed approved* ~~franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended~~ in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(b) During the pendency of any such hearing, the franchise agreement of the motor vehicle dealer shall continue in effect in accordance with its terms. The department shall expedite any determination requested under this section.

(3) Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld. For the purposes of this section, the refusal by the licensee to accept a proposed transferee who satisfies the criteria set forth in subsection (1) or (2) is presumed to be unreasonable.

Section 24. Section 320.645, Florida Statutes, is amended to read:

320.645 Restriction upon ownership of dealership by licensee.—

(1) No licensee, ~~including a~~ *distributor,* manufacturer*,* or agent of a manufacturer *or distributor*, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state. *A licensee may not be issued a motor vehicle dealer license pursuant to s. 320.27.* However, no such licensee will be deemed to be in violation of this section:

(a) When operating a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the motor vehicle dealership to another;

(b) When operating a motor vehicle dealership temporarily for a reasonable period *for the exclusive purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group that has historically been underrepresented in its dealer body, or for other qualified persons who the licensee deems lack the resources to purchase or capitalize the dealership outright*, ~~not to exceed 1 year, or~~ in a bona fide relationship with an independent person, other than a licensee or its agent or affiliate, who has made a significant investment that is subject to loss in the dealership *within the dealership's first year of operation* and who can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(c) If the department determines, after a hearing on the matter, pursuant to chapter 120, at the request of any person, that there is no

independent person available in the community or territory to own and operate the motor vehicle dealership in a manner consistent with the public interest.

In any such case, the licensee must continue to make the motor vehicle dealership available for sale to an independent person at a fair and reasonable price. Approval of the sale of such a motor vehicle dealership to a proposed motor vehicle dealer shall not be unreasonably withheld.

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

(a) "Independent person" is a person who is not an officer, director, or employee of the licensee.

(b) "Reasonable terms and conditions" requires that profits from the dealership are reasonably expected to be sufficient to allow full ownership of the dealership by the independent person within a reasonable time period not to exceed 10 years, which time period may be extended if there is a reasonable basis to do so and is not being sought to evade the purpose of this section; that the independent person has sufficient control to permit acquisition of ownership; and that the relationship cannot be terminated solely to avoid full ownership. The terms and conditions are not reasonable if they preclude the independent person from an expedited purchase of the dealership using a monetary source other than profits from the dealership's operation; provided, however, that the independent person must pay or make an agreement to pay to the licensee any and all reasonable prepayment charges and costs, including all unrecouped restored losses, associated with the expedited purchase of the dealership. For the purpose of this section, unrecouped restored losses are monies that the manufacturer has provided to the dealership to restore losses of the dealership that the manufacturer has not been paid back through profits of the dealership.

(c) "Significant investment" means a reasonable amount, considering the reasonable capital requirements of the dealership, acquired and obtained from sources other than the licensee or any of its affiliates and not encumbered by the person's interest in the dealership.

(3) Nothing in this section shall prohibit, limit, restrict, or impose conditions on:

(a) The business activities, including, without limitation, the dealings with motor vehicle manufacturers and their representatives and affiliates, of any person that is primarily engaged in the business of short term not to exceed 12 months rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:

1. Any motor vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of its rental business and used motor vehicles traded in on motor vehicles sold by such person;

2. Warranty repairs performed under any manufacturer's new vehicle warranty by such person on motor vehicles are limited to those motor vehicles that it owns. As to previously owned vehicles, warranty repairs can be performed only if pursuant to a motor vehicle service agreement as defined in chapter 634, part I, issued by such person or an express warranty issued by such person on the retail sale of those vehicles previously owned; and

3. Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to used motor vehicles sold by such person in the conduct of its business; or

(b) The direct or indirect ownership, affiliation or control of a person described in paragraph (a) of this subsection.

(4) Nothing in this section shall prohibit a licensee-distributor as defined in section 320.60(5) that is not a manufacturer, a division of a manufacturer, an entity that is controlled by a manufacturer, or a common entity of a manufacturer, and that is not owned, in whole or in part, directly or indirectly, by a manufacturer, as defined in section 320.60(9), and that has owned and operated a motor vehicle dealer in this state on or before July 1, 1996, other than a motor vehicle dealer permitted by section 320.645(1)(b), from receiving a license as defined in section 320.27 while owning and operating a motor vehicle dealership that sells or services motor vehicles other than any line-make of motor vehicles distributed by the licensee-distributor.

~~(2) This section shall not be construed to prohibit any licensee from owning or operating a motor vehicle dealership in this state if such dealership was owned or operated by the licensee on May 31, 1984.~~

Section 25. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held *not sooner than 180 days nor later than 240 days from* ~~within 180 days of~~ the date of filing of the first objection or notice of protest, unless the time is extended by the *Administrative Law Judge for good cause shown. This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts.* ~~hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.~~

Section 26. Section 320.6991, Florida Statutes, is created to read:

Section 320.6991 Severability.—If a provision of ss. 320.60-320.70 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ss. 320.60-320.70 that can be given effect without the invalid provision or application, and to this end the provisions of 320.60-320.70 are severable.

Section 27. Section 320.275, Florida Statutes, is created to read:

320.275 Automobile Dealers Industry Advisory Board.—

(1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The Automobile Dealers Industry Advisory Board is created within the Department of Highway Safety and Motor Vehicles. The board shall make recommendations on proposed legislation, make recommendations on proposed rules and procedures, present licensed motor vehicle dealer industry issues to the department for its consideration, consider any matters relating to the motor vehicle dealer industry presented to it by the department, and submit an annual report to the Executive Director of the department and file copies with the Governor, President of the Senate, and the Speaker of the House of Representatives.

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The Executive Director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The Executive Director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida Tax Collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The Executive Director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida Tax Collector, and one representative from the Better Business Bureau.

2. The Executive Director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the Division of Motor Vehicles.

3. As the initial terms expire, the Executive Director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

(c) The board shall meet at least two times per year. Meetings may be called by the chair of the board or by the Executive Director of the department. One meeting shall be held in the fall of the year to review legislative proposals. The board shall conduct all meetings in accordance with applicable Florida Statutes and shall keep minutes of all meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations.

(3) PER DIEM, TRAVEL, AND STAFFING.—Members of the board from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members of the board from the public sector are entitled to reimbursement, if any, from their respective agency. Members of the board may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

Section 28. *Definitions.—As used in Section 29 , the following terms shall have the following meaning:*

(1) "Customer" includes a customer's designated agent.

(2) "Dealer" means a motor vehicle dealer as defined in section 320.27, Florida Statutes, but does not include a motor vehicle auction as defined in section 320.27(1)(c)4., Florida Statutes.

(3) "Replacement item" means a tire, bumper, bumper fascia, glass, in-dashboard equipment, seat or upholstery cover or trim, exterior illumination unit, grill, sunroof, external mirror and external body cladding. The replacement of up to three of these items does not constitute repair of damage if each item is replaced because of a product defect or damaged due to vandalism while the new motor vehicle is under the control of the dealer and the items are replaced with original manufacturer equipment, unless an item is replaced due to a crash, collision, or accident.

(4) "Threshold amount" means 3 percent of the manufacturer's suggested retail price of a motor vehicle or $650, whichever is less.

(5) "Vehicle" means any automobile, truck, bus, recreational vehicle or motorcycle required to be licensed under chapter 320, Florida Statutes, for operation over the roads of Florida, but does not include trailers, mobile homes, travel trailers or trailer coaches without independent motive power.

Section 29. *It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:*

(1) Represent directly or indirectly that a motor vehicle is a factory executive vehicle or executive vehicle unless such vehicle was purchased directly from the manufacturer or a subsidiary of the manufacturer and the vehicle was used exclusively by the manufacturer, its subsidiary, or a dealer for the commercial or personal use of the manufacturer's, subsidiary's, or dealer's employees.

(2) Represent directly or indirectly that a vehicle is a demonstrator unless the vehicle was driven by prospective customers of a dealership selling the vehicle and such vehicle complies with the definition of a demonstrator in section 320.60(3), Florida Statutes.

(3) Represent the previous usage or status of a vehicle to be something that it was not, or make usage or status representations unless the dealer has correct information regarding the history of the vehicle to support the representations.

(4) Represent the quality of care, regularity of servicing, or general condition of a vehicle unless known by the dealer to be true and supportable by material fact.

(5) Represent orally or in writing that a particular vehicle has not sustained structural or substantial skin damage unless the statement is made in good faith and the vehicle has been inspected by the dealer or his agent to determine whether the vehicle has incurred such damage.

(6) Sell a vehicle without fully and conspicuously disclosing in writing at or before the consummation of sale any warranty or guarantee terms, obligations, or conditions that the dealer or manufacturer has given to the buyer. If the warranty obligations are to be shared by the dealer and the buyer, the method of determining the percentage of repair costs to be assumed by each party must be disclosed. If the dealer intends to disclaim or limit any expressed or implied warranty, the disclaimer must be in writing in a conspicuous manner and in layman's terms in accordance with chapter 672, Florida Statutes, and the Magnuson-Moss Warranty - Federal Trade Commission Improvement Act.

(7) Provide an express or implied warranty and fail to honor such warranty unless properly disclaimed pursuant to subsection (6).

(8) Misrepresent warranty coverage, application period, or any warranty transfer cost or conditions to a customer.

(9) Obtain signatures from a customer on contracts that are not fully completed at the time the customer signs or which do not reflect accurately the negotiations and agreement between the customer and the dealer.

(10) Require or accept a deposit from a prospective customer prior to entering into a binding contract for the purchase and sale of a vehicle unless the customer is given a written receipt that states how long the dealer will hold the vehicle from other sale and the amount of the deposit, and clearly and conspicuously states whether and upon what conditions the deposit is refundable or nonrefundable.

(11) Add to the cash price of a vehicle as defined in section 520.02(2), Florida Statutes, any fee or charge other than those provided in that section and in Rule 3D-50.001, Florida Administrative Code. All fees or charges permitted to be added to the cash price by Rule 3D-50.001, Florida Administrative Code, must be fully disclosed to customers in all binding contracts concerning the vehicle's selling price.

(12) Alter or change the odometer mileage of a vehicle.

(13) Sell a vehicle without disclosing to the customer the actual year and model of the vehicle.

(14) File a lien against a new vehicle purchased with a check unless the dealer fully discloses to the purchaser that a lien will be filed if purchase is made by check and fully discloses to the buyer the procedures and cost to the buyer for gaining title to the vehicle after the lien is filed.

(15) Increase the price of the vehicle after having accepted an order of purchase or a contract from a buyer, notwithstanding subsequent receipt of an official price change notification. The price of a vehicle may be increased after a dealer accepts an order of purchase or a contract from a buyer if:

(a) A trade-in vehicle is reappraised because it subsequently is damaged, or parts or accessories are removed;

(b) The price increase is caused by the addition of new equipment, as required by state or federal law;

(c) The price increase is caused by the revaluation of the U.S. dollar by the Federal Government, in the case of a foreign-made vehicle;

(d) The price increase is caused by state or federal tax rate changes; or

(e) Price protection is not provided by the manufacturer, importer, or distributor.

(16) Advertise the price of a vehicle unless the vehicle is identified by year, make, model, and a commonly accepted trade, brand, or style name. The advertised price must include all fees or charges that the customer must pay, including freight or destination charge, dealer preparation charge, and charges for undercoating or rustproofing. State and local taxes, tags, registration fees, and title fees, unless otherwise required by local law or standard, need not be disclosed in the advertisement. When two or more dealers advertise jointly, with or without participation of the franchiser, the advertised price need not include fees and charges that are variable among the individual dealers cooperating in the advertisement, but the nature of all charges that are not included in the advertised price must be disclosed in the advertisement.

(17) Charge a customer for any pre-delivery service required by the manufacturer, distributor, or importer for which the dealer is reimbursed by the manufacturer, distributor, or importer.

(18) Charge a customer for any pre-delivery service without having printed on all documents that include a line item for pre-delivery service the following disclosure: "This charge represents costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale."

(19) Add an additional charge for pre-delivery service other than those shown on a conspicuous label attached to the window of the vehicle specifying any charges for pre-delivery services and describing the charges as pre-delivery services, delivery and handling, dealer preparation, or in similar terms the dealer's charge for each dealer-installed option, and a total price line.

(20) Fail to disclose damage to a new motor vehicle, as defined in subsection 319.001(4), Florida Statutes, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 30. *Sections 28 and 29 shall be codified as part VI of chapter 501, and applies to any vehicle sold after October 1, 2001.*

Section 31. *Paragraph (n) of subsection (9) of section 320.27, Florida Statutes, is repealed.*

Section 32. A new subsection (3) is added to section 520.12, Florida Statutes, to read:

(3) Section 520.12(2) does not apply to any violation of the requirement in s. 520.07(1)(c) that the seller deliver or mail to the buyer a copy of the contract signed by the seller, if the seller delivered to the buyer at the time the buyer signed the contract an exact copy of the contract that the buyer signed.

Section 33. Subsection (1) of section 681.1096, Florida Statutes, is amended to read:

681.1096 Pilot RV Mediation and Arbitration Program; creation and qualifications.—

(1) This section and s. 681.1097 shall apply to disputes determined eligible under this chapter involving recreational vehicles acquired on or after October 1, 1997, and shall remain in effect until September 30, *2002* ~~2001~~, at which time recreational vehicle disputes shall be subject to the provisions of ss. 681.109 and 681.1095. The Attorney General shall report ~~annually~~ to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, and appropriate legislative committees regarding the *effectiveness* ~~efficiency and cost-effectiveness~~ of the pilot program.

Section 34. Subsections (5) and (7) of section 681.1097, Florida Statutes, are amended to read:

681.1097 Pilot RV Mediation and Arbitration Program; dispute eligibility and program function.—

(5) If the mediation ends in an impasse, or if a manufacturer fails to comply with the settlement entered into between the parties, the program administrator shall schedule the dispute for an arbitration hearing. Arbitration proceedings shall be open to the public on reasonable and nondiscriminatory terms.

(a) The arbitration hearing shall be conducted by a single arbitrator assigned by the program administrator. The arbitrator shall not be the same person as the mediator who conducted the prior mediation conference in the dispute. The parties may factually object to an arbitrator based on the arbitrator's past or present relationship with a party or a party's attorney, direct or indirect, whether financial, professional, social, or of any other kind. The program administrator shall consider any such objection, determine its validity, and notify the parties of any determination. If the objection is determined valid, the program administrator shall assign another arbitrator to the case.

(b) The arbitrator may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence. Subpoenas so issued shall be served and, upon application to the court by a party to the arbitration, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions. Fees for attendance as a witness shall be the same as for a witness in the circuit court.

(c) At all program arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths. The arbitrator may inspect the vehicle if requested by a party or if the arbitrator considers such inspection appropriate.

(d) The program arbitrator may continue a hearing on his or her own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes a waiver of the time period set forth in s. 681.1096(3)(k) for completion of all proceedings under the program.

(e) Where the arbitration is the result of a manufacturer's failure to perform in accordance with a *settlement* ~~mediation~~ agreement, any relief to the consumer granted by the arbitration will be no less than the relief agreed to by the manufacturer in the settlement agreement.

(f) The arbitrator shall grant relief if a reasonable number of attempts have been undertaken to correct a nonconformity or nonconformities.

(g) The program arbitrator shall render a decision within 10 days of the closing of the hearing. The decision shall be in writing on a form prescribed or approved by the department. The program administrator shall send a copy of the decision to the consumer and each involved manufacturer by registered mail. The program administrator shall also send a copy of the decision to the department within 5 days of mailing to the parties.

(h) A manufacturer shall comply with an arbitration decision within 40 days of the date the manufacturer receives the written decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. If a manufacturer fails to comply within the time required, the consumer must notify the program administrator in writing within 10 days. The program administrator shall notify the department of a manufacturer's failure to comply. The department shall have the authority to enforce compliance with arbitration decisions under this section in the same manner as is provided for enforcement of compliance with board decisions under s. 681.1095(10). In any civil

action arising under this chapter and relating to a dispute arbitrated pursuant to this section, the decision of the arbitrator is admissible in evidence.

(i) Either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the program administrator within 10 days after receipt of the written decision. Technical corrections shall be limited to computational errors, correction of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical correction of a decision shall not toll the time for filing an appeal or for manufacturer compliance.

(7) *A decision of the arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by s. 681.1095(10) and (12). Section 681.1095(13) and (14) apply to appeals filed under this section.* ~~Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business or, if neither party resides or has a place of business in this state, the county where the arbitration hearing was held, for an order confirming, vacating, modifying, or correcting any award, in accordance with the provisions of this section and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such application must be filed within 30 days of the moving party's receipt of the written decision or the decision becomes final. Upon filing such application, the moving party shall mail a copy to the department and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the department. A review of such application by the circuit court shall be confined to the record of the proceedings before the program arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in ss. 682.13 and 682.14, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the stated award, or the findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. The court shall expedite consideration of any application filed under this section on the calendar.~~

~~(a)~~ If a decision of a program arbitrator in favor of a consumer is confirmed by the court, recovery by the consumer shall include the pecuniary value of the award, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of $25 per day for each day beyond the 40-day period following a manufacturer's receipt of the arbitrator's decision. If a court determines the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment, or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

~~(b) An appeal of a judgment or order by the court confirming, denying confirmation, modifying or correcting, or vacating the award may be taken in the manner and to the same extent as from orders or judgments in a civil action.~~

Section 35. Section 681.115, Florida Statutes, is amended to read:

681.115 Certain agreements void.—Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter*, or that requires a consumer not to disclose the terms of such agreement as a condition thereof,* is void as contrary to public policy. The rights set forth in this chapter shall extend to a subsequent transferee of such motor vehicle.

Section 36. Subsections (4) and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and ~~documented~~ vessels.—

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c)~~(b)~~ Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner*, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736,* and ~~to~~ all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold ~~after 35 days~~ free of all prior liens *after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less*.

(d)~~(c)~~ If attempts to locate the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph *and*~~,~~ subsection (9), ~~and s. 715.05,~~ "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle or vessel is stored therein *if the vehicle or vessel is more than 3 years of age and after 50 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less*. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle, vessel, or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 37. *Section 715.05, Florida Statutes, is repealed.*

Section 38. Subsection (10) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale. *Nothing herein shall require the payment of tax to the State of Florida for assessments made prior to July 1, 2001, if the tax imposed by this section has been paid to the state in which the vehicle was licensed and the department has assessed a like amount of tax on the same transactions. This provision shall apply retroactively to assessments that have been protested prior to August 1, 1999, and have not been paid on the date this act takes effect.*

Section 39. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The "motor home," which is a vehicular unit which does not exceed *the* ~~40 feet in~~ length*,* ~~and the~~ height*,* and ~~the~~ width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the

drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Section 40. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (f) is added to said subsection, and subsections (7) and (9) of said section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where ~~both sellers and~~ buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(7) CERTIFICATE OF TITLE REQUIRED.—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession *or control* a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by 49 C.F.R. part 580 bearing the signatures of the titled owners of a traded-in vehicle.

Section 41. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-17
remove from the title of the bill:

and insert in lieu thereof: An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1967, F.S.; authorizing counties to establish fine amounts for parking violations; 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; amending s. 318.18, F.S.; authorizing counties to establish fine amounts for parking violations; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate speciality license plates; providing for annual renewals in the discontinuance threshold amount; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; 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. 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. 322.161, F.S.; requiring restricted driving priviledges after the accumulation of 6 points within a 12-month period; 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. 322.2615, 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. 322.292, 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; 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. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; providing penalties and remedies for violations; deleting subsections (13) and (16); amending subsection (18); creating subsections (22) through (32) and renumbering sections; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for "dealer development arrangements"; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.6991; providing for severability; creating 320.275, F.S.; creating the Automobile Dealers Industry Advisory Board; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; providing for codification in part VI of chapter 501 and application of new act to vehicles sold after October 1, 2001; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; amending s. 520.12, F.S.; clarifying penalties application to particular circumstances; 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 an agreement that prohibits disclosure of its terms is void; 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 s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a license to have the certificate of title or ownership indicia in his or her possession at an auction; providing for an effective date.

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

On motion by Rep. Bense, the rules were waived and CS for SB 1956, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 458

Yeas—118

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

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 772, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Sanderson—

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for

information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the first time by title. On motion by Rep. Mack, the rules were waived and the bill was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 144663)

Amendment 1 (with title amendment)—On page 4, line 15, remove from the bill: all of said line

and insert in lieu thereof:

Section 3. (1) *All information contained in the Paternity Registry created by section 63.165, Florida Statutes, is exempt from public disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution, except that certificates attesting to the results of a search of the Paternity Registry pursuant to section 63.165(8), Florida Statutes, may be disclosed as provided in section 63.165(8), Florida Statutes. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 4. (1) *The Legislature finds that it is a public necessity to exempt from disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24 of Article I of the State Constitution all information contained in the Paternity Registry created by section 63.165, Florida Statutes. The Legislature finds that it is good public policy to encourage putative fathers to grasp both the responsibility and the opportunity to be made legally aware of petitions and hearings to terminate their parental rights pending an adoption. The Legislature also finds that by providing legal notice to putative fathers, adoptions will be less likely to be legally disrupted. The Legislature further finds that the information required by the Paternity Registry reveals the existence of intimate sexual relations. Disclosure of this information would likely have a chilling effect on the likelihood that putative fathers will register. Therefore, the Legislature finds that any benefit that could occur from public disclosure of the information in the Paternity Registry is outweighed by the necessity to ensure the due process rights of putative fathers.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 5. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 10 & 11,
remove from the title of the bill: all of said lines

and insert in lieu thereof: finding of public necessity; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing for contingent effect of certain provisions; providing effective dates.

Rep. Lynn moved the adoption of the amendment.

Further consideration of **CS for SB 772**, with pending amendment, was temporarily postponed under Rule 11.10

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2156 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Health, Aging and Long-Term Care and Senator Klein—

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term "end-stage condition"; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was read the first time by title. On motion by Rep. Mealor, the rules were waived and the bill was read the second time by title.

Representative(s) Mealor offered the following:

(Amendment Bar Code: 491499)

Amendment 1 (with title amendment)—On page 6, between lines 6 and 7,

insert:

Section 5. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) *Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician.* ~~When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.~~

And the title is amended as follows:

On page 1, line 15,

after the semicolon insert: amending s. 765.1103, F.S.; directing certain health care providers and practitioners to comply with a request for pain management or palliative care from a patient under certain circumstances;

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

On motion by Rep. Mealor, the rules were waived and CS for CS for SB 2156, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 459

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
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	Feeney	Kosmas	Rubio
Barreiro	Fields	Kottkamp	Russell
Baxley	Fiorentino	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Siplin
Bense	Garcia	Lerner	Slosberg
Benson	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sobel
Betancourt	Gibson	Machek	Sorensen
Bilirakis	Goodlette	Mack	Spratt
Bowen	Gottlieb	Mahon	Stansel
Brown	Green	Mayfield	Trovillion
Brummer	Greenstein	McGriff	Wallace
Brutus	Haridopolos	Meadows	Waters
Bucher	Harper	Mealor	Weissman
Bullard	Harrell	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 2 and House Amendment 3; has refused to concur in House Amendment 1 and requests the House to recede; and passed SB 1200, as amended.

Faye W. Blanton, Secretary

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

(House Amendment 1 attached to original bill and shown in the *Journal* on page 1483, May 1.)

On motion by Rep. Green, the House receded from House Amendment 1. The question recurred on the passage of SB 1200. The vote was:

Session Vote Sequence: 460

Yeas—99

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater
Baker	Diaz de la Portilla	Jennings	Negron
Ball	Diaz-Balart	Johnson	Paul
Barreiro	Dockery	Jordan	Pickens
Baxley	Farkas	Joyner	Prieguez
Bean	Fasano	Kallinger	Richardson
Bendross-Mindingall	Feeney	Kendrick	Ritter
Bennett	Fiorentino	Kilmer	Ross
Bense	Flanagan	Kosmas	Rubio
Benson	Garcia	Kottkamp	Russell
Berfield	Gardiner	Kravitz	Ryan
Betancourt	Gelber	Kyle	Simmons
Bilirakis	Gibson	Lacasa	Siplin
Bowen	Goodlette	Littlefield	Slosberg
Brown	Green	Lynn	Sorensen
Brummer	Greenstein	Machek	Spratt
Brutus	Haridopolos	Mack	Stansel
Byrd	Harrell	Mahon	Trovillion
Cantens	Harrington	Mayfield	Wallace
Carassas	Hart	Mealor	Waters
Clarke	Henriquez	Melvin	Weissman
Crow	Heyman	Miller	Wiles
Davis	Hogan	Murman	Wishner
Detert	Holloway	Needelman	

Nays—21

Ausley	Gannon	McGriff	Smith
Bucher	Gottlieb	Meadows	Sobel
Bullard	Harper	Peterman	Wilson
Cusack	Justice	Rich	
Fields	Lee	Romeo	
Frankel	Lerner	Seiler	

Votes after roll call:
Yeas to Nays—Carassas, Gelber, Heyman, Joyner
Nays to Yeas—Seiler

So the bill passed. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 1030.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1030, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Natural Resources and Senator Bronson—

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms "public water system," "noncommunity water system," "nontransient noncommunity water system," and "transient noncommunity water system"; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the

operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator’s license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems; amending s. 373.324, F.S.; providing continuing education requirements for license renewal; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

—was read the first time by title. On motion by Rep. Harrington, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 461

Yeas—118

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

Nays—1

Argenziano

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1132, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Brown-Waite—

SB 1132—A bill to be entitled An act relating to the use and disposition of real and personal property; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; amending ss. 125.568, 166.048, 255.259, 335.167, 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; amending s. 720.3075, F.S.; prohibiting homeowners’ associations from restricting the practice of Xeriscape; amending s. 197.502, F.S.; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; amending s. 129.06, F.S.; providing a procedure by which counties may amend a prior year’s budget; amending s. 125.0108, F.S.; providing that the tourist impact tax that is authorized to be levied in an area of critical state concern in certain counties may be levied throughout the entire county, subject to referendum approval, if the area of critical state concern is greater than 50 percent of the area of the county; amending s. 125.0104, F.S.; authorizing certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances; creating s. 166.0415, F.S.; allowing municipalities to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing; creating s. 125.01055, F.S.; allowing counties to adopt certain laws, ordinances, rules, or other measures for increasing the supply of affordable housing; providing effective dates.

—was read the first time by title. On motion by Rep. Baker, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 462

Yeas—120

The Chair	Betancourt	Farkas	Harrington
Alexander	Bilirakis	Fasano	Hart
Allen	Bowen	Feeney	Henriquez
Andrews	Brown	Fields	Heyman
Argenziano	Brummer	Fiorentino	Hogan
Arza	Brutus	Flanagan	Holloway
Attkisson	Bucher	Frankel	Jennings
Atwater	Bullard	Gannon	Johnson
Ausley	Byrd	Garcia	Jordan
Baker	Cantens	Gardiner	Joyner
Ball	Carassas	Gelber	Justice
Barreiro	Clarke	Gibson	Kallinger
Baxley	Crow	Goodlette	Kendrick
Bean	Cusack	Gottlieb	Kilmer
Bendross-Mindingall	Davis	Green	Kosmas
Bennett	Detert	Greenstein	Kottkamp
Bense	Diaz de la Portilla	Haridopolos	Kravitz
Benson	Diaz-Balart	Harper	Kyle
Berfield	Dockery	Harrell	Lacasa

Lee	Melvin	Ritter	Sobel
Lerner	Miller	Romeo	Sorensen
Littlefield	Murman	Ross	Spratt
Lynn	Needelman	Rubio	Stansel
Machek	Negron	Russell	Trovillion
Mack	Paul	Ryan	Wallace
Mahon	Peterman	Seiler	Waters
Mayfield	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1318 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Saunders—

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

—was read the first time by title. On motion by Rep. Harrington, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 463

Yeas—119

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

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 772.

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Lynn to adopt Amendment 1.

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

On motion by Rep. Mack, the rules were waived and CS for SB 772 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 464

Yeas—119

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

Nays—1

Carassas

Votes after roll call:
Nays to Yeas—Carassas

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, the House moved to the consideration of HB 649 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HB 649—A bill to be entitled An act relating to law enforcement officers' disabilities; amending s. 112.18, F.S.; including county and municipal law enforcement officers, correctional officers, and correctional probation officers within special provisions creating a presumption relating to causes of certain disabilities; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 880283)

Amendment 2 (with title amendment)—On page 1, line 13,

insert:

Section 1. Paragraph (b) of subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(1)

(b) Any retired member of the Florida Retirement System, or any existing system as defined in s. 121.021(2), who, on or after July 1, 1990, is serving in, or is elected or appointed to, an elective office covered by the Elected Officers' Class shall be enrolled in the appropriate subclass of the Elected Officers' Class of the Florida Retirement System, and applicable contributions shall be paid into the Florida Retirement System Trust Fund as provided in s. 121.052(7). Pursuant thereto:

1. Any such retired member shall be eligible to continue to receive retirement benefits as well as compensation for the elected officer service for as long as he or she remains in an elective office covered by the Elected Officers' Class.

2. If any such member serves in an elective office covered by the Elected Officers' Class and becomes vested under that class, he or she shall be entitled to receive an additional retirement benefit for such elected officer service.

3. Such member shall be entitled to purchase additional retirement credit in the Elected Officers' Class for any postretirement service performed in an elected position eligible for the Elected Officers' Class prior to July 1, 1990, or in the Regular Class for any postretirement service performed in any other regularly established position prior to July 1, 1991, by paying the applicable Elected Officers' Class or Regular Class employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund. The contribution for postretirement Regular Class service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

4. Creditable service for which credit was received, or which remained unclaimed, at retirement may not be claimed or applied toward service credit earned following renewed membership. However, service earned in accordance with the renewed membership provisions in s. 121.122 may be used in conjunction with creditable service earned under this paragraph, provided applicable vesting requirements and other existing statutory conditions required by this chapter are met.

5. Any elected officer who is a participating member of DROP may terminate participation at any time during the 60-month DROP participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class, including participating in the Senior Management Service Class, effective the first day of the following month.

Section 2. Paragraph (b) of subsection (13) 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.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and

subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.22, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

d. An elected officer who is elected or appointed to an elective office is not subject to termination limitations as provided in chapter 121.

And the title is amended as follows:

On page 1, line 3, after "disabilities;"

insert: amending s. 121.053, F.S.; authorizing elected officers participating in DROP to terminate participation in DROP and enroll in a subclass of the Elected Officers' Class; amending s. 121.091, F.S.; increasing the time for participation in the Deferred Retirement Option Program for members of the elected officers class of the Florida Retirement System; providing that elected officers are not subject to termination limitations;

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

The question recurred on the passage of HB 649. The vote was:

Session Vote Sequence: 465

Yeas—117

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

Nays—1

Ross

Votes after roll call:
Yeas—Flanagan
Yeas to Nays—Benson

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

Recessed

On motion by Rep. Goodlette, the House recessed at 4:26 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 5:07 p.m. A quorum was present [Session Vote Sequence: 466].

On motion by Rep. Byrd, the House moved to the consideration of HB 489 on the order of—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 489, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. Initial appointments must be made within 30 days after the effective date of this act.

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 2. Section 341.822, Florida Statutes, is created to read:

341.822 Powers and duties.—

(1)(a) The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."

(b) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.

(c) The authority shall have perpetual succession as a body politic and corporate.

(d) The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.

(e) The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 3. *(1) The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:*

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between St. Petersburg, Tampa, and Orlando, with future service to Miami;

(c) The authority is to develop a model that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, and operation of the system;

(2) The authority shall make recommendations concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities designated in paragraph (1)(b);

(c) The preferred locations for the stations in the cities designated in paragraph (1)(b);

(d) The preferred locomotion technology to be employed from constitutional choices of monorail, fixed guideway, or magnetic levitation;

(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and

(f) Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) When preparing the operating plan, the authority shall include:

(a) The frequency of service between the cities designated in paragraph (1)(b);

(b) The proposed fare structure for passenger and freight service;

(c) Proposed trip times, system capacity, passenger accommodations, and amenities;

(d) Methods to ensure compliance with applicable environmental standards and regulations;

(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;

(f) A detailed planning-level ridership study;

(g) Consideration of nonfare revenues that may be derived from:

1. The sale of development rights at the stations;

2. License, franchise, and lease fees;

3. Sale of advertising space on the trains or in the stations; and

4. Any other potential sources deemed appropriate.

(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:

1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;

2. Acquire any necessary rights-of-way;

3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.

(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.

(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.

(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).

Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.

Section 4. *The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.*

Section 5. *The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.*

Section 6. *The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.*

Section 7. *There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of $4,500,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to high-speed rail; creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation; providing an effective date.

Rep. Byrd moved that the House refuse to concur in Senate Amendment 1.

Rep. Ross, under Rule 12.6—Consideration of Senate Amendments (order of privilege), moved that the House concur in Senate Amendment 1.

Motion

Rep. Russell moved the previous question on the motion to concur in Senate Amendment 1, which was agreed to.

The question recurred on the motion by Rep. Ross to concur in Senate Amendment 1, which was agreed to. The vote was:

Session Vote Sequence: 467

Yeas—59

Alexander	Clarke	Haridopolos	Negron
Andrews	Cusack	Harper	Paul
Argenziano	Detert	Harrell	Peterman
Attkisson	Diaz de la Portilla	Harrington	Ritter
Ausley	Dockery	Holloway	Ross
Bean	Farkas	Joyner	Ryan
Bendross-Mindingall	Fields	Kendrick	Simmons
Bennett	Flanagan	Lerner	Siplin
Benson	Frankel	Lynn	Smith
Bowen	Gardiner	Machek	Sobel
Brummer	Gelber	Mahon	Stansel
Brutus	Gibson	McGriff	Trovillion
Bullard	Goodlette	Meadows	Waters
Byrd	Gottlieb	Melvin	Weissman
Cantens	Greenstein	Murman	

Nays—53

The Chair	Crow	Kallinger	Prieguez
Allen	Davis	Kilmer	Rich
Arza	Fasano	Kosmas	Richardson
Atwater	Fiorentino	Kottkamp	Romeo
Baker	Gannon	Kravitz	Russell
Ball	Green	Kyle	Seiler
Barreiro	Hart	Lee	Slosberg
Baxley	Henriquez	Littlefield	Sorensen
Bense	Heyman	Mack	Wallace
Berfield	Hogan	Mayfield	Wilson
Betancourt	Jennings	Mealor	Wishner
Bilirakis	Johnson	Miller	
Bucher	Jordan	Needelman	
Carassas	Justice	Pickens	

Votes after roll call:
Yeas—Maygarden
Nays—Wiles
Nays to Yeas—Jordan

Rep. Johnson, under Rule 11.10, moved to temporarily postpone HB 489, which was not agreed to.

The question recurred on the passage of HB 489. The vote was:

Session Vote Sequence: 468

Yeas—97

The Chair	Bendross-Mindingall	Cantens	Fiorentino
Alexander	Bennett	Carassas	Flanagan
Allen	Bense	Clarke	Frankel
Andrews	Benson	Crow	Gannon
Argenziano	Berfield	Cusack	Gardiner
Arza	Betancourt	Davis	Gelber
Attkisson	Bilirakis	Detert	Gibson
Ausley	Bowen	Diaz de la Portilla	Goodlette
Ball	Brummer	Dockery	Gottlieb
Barreiro	Brutus	Farkas	Greenstein
Baxley	Bullard	Fasano	Haridopolos
Bean	Byrd	Fields	Harper

Harrell	Kyle	Needelman	Simmons
Harrington	Lerner	Negron	Siplin
Hart	Littlefield	Paul	Smith
Henriquez	Lynn	Peterman	Sobel
Heyman	Machek	Pickens	Trovillion
Holloway	Mack	Rich	Wallace
Jennings	Mahon	Richardson	Waters
Jordan	Mayfield	Ritter	Weissman
Joyner	McGriff	Romeo	Wilson
Justice	Meadows	Ross	Wishner
Kendrick	Mealor	Russell	
Kilmer	Melvin	Ryan	
Kravitz	Murman	Seiler	

Nays—14

Atwater	Kallinger	Prieguez	Stansel
Baker	Kottkamp	Rubio	Wiles
Bucher	Lee	Slosberg	
Johnson	Miller	Sorensen	

Votes after roll call:
Yeas—Kosmas, Maygarden
Nays—Green
Yeas to Nays—Baxley, Kilmer
Nays to Yeas—Wiles

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate returns as requested CS/HB 293.

Faye W. Blanton, Secretary

Reconsideration of CS/HB 293

On motion by Rep. Crow, the House reconsidered the vote by which **CS/HB 293**, as amended, passed on May 1.

CS/HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

The question recurred on the passage of CS/HB 293.

Representative(s) Crow offered the following:

(Amendment Bar Code: 192743)

Amendment 1 to First Engrossed CS/HB 293 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (3) and (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (6), paragraphs (a), (c), (d), (e), (f), (g), and (h) of subsection (7), paragraph (a) of subsection (8), paragraphs (a) and (b) of subsection (9), and paragraph (f) of subsection (10) of section 288.99, Florida Statutes, are amended, and paragraph (i) is added to subsection (7) of that section, to read:

288.99 Certified Capital Company Act.—

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

(a) "Affiliate of an insurance company" means:

1. Any person directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote *15* ~~10~~ percent or more of the outstanding voting securities or other ownership interests of the insurance company;

2. Any person *15* ~~10~~ percent or more of whose outstanding voting securities or other ownership interest is directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with power to vote by the insurance company;

3. Any person directly or indirectly controlling, controlled by, or under common control with the insurance company;

4. A partnership in which the insurance company is a general partner; or

5. Any person who is a principal, director, employee, or agent of the insurance company or an immediate family member of the principal, director, employee, or agent.

(b) "Certified capital" means an investment of cash by a certified investor in a certified capital company which fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

(c) "Certified capital company" means a corporation, partnership, or limited liability company which:

1. Is certified by the department in accordance with this act.

2. Receives investments of certified capital *from two or more unaffiliated certified investors*.

3. Makes qualified investments as its primary activity.

(d) "Certified investor" means any insurance company subject to premium tax liability pursuant to s. 624.509 that contributes certified capital.

(e) "Department" means the Department of Banking and Finance.

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

(g) "Early stage technology business" means a qualified business that is *either:*

1. Involved, at the time of the certified capital company's initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes;~~. The term includes a qualified business that is~~

2. Less than 2 years old and has, together with its affiliates, less than $3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with generally accepted accounting principles;~~. The term also includes~~

3. The Florida Black Business Investment Board;~~,~~

4. Any entity *that is majority-owned* ~~majority owned~~ by the Florida Black Business Investment Board;~~,~~ or

5. Any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

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

(i) "Premium tax liability" means any liability incurred by an insurance company under the provisions of s. 624.509.

(j) "Principal" means an executive officer of a corporation, partner of a partnership, manager of a limited liability company, or any other person with equivalent executive functions.

(k) “Qualified business” means a business that meets the following conditions *as evidenced by documentation required by department rule*:

1. The business is headquartered in this state and its principal business operations are located in this state. *For the purpose of this act, the terms “headquartered” and “principal business operations” mean that at least 75 percent of the employees are located in the state.*

2. At the time a certified capital company makes an initial investment in a business, the business is a small business concern as defined in 13 C.F.R. s. 121.201, “Size Standards Used to Define Small Business Concerns” of the United States Small Business Administration which is involved in manufacturing, processing or assembling products, conducting research and development, or providing services.

3. At the time a certified capital company makes an initial investment in a business, the business certifies in an affidavit that:

a. The business is unable to obtain conventional financing, which means that the business has failed in an attempt to obtain funding for a loan from a bank or other commercial lender or that the business cannot reasonably be expected to qualify for such financing under the standards of commercial lending;

b. The business plan for the business projects that the business is reasonably expected to achieve in excess of $25 million in sales revenue within 5 years after the initial investment, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district;

c. The business will maintain its headquarters in this state for the next 10 years and any new manufacturing facility financed by a qualified investment will remain in this state for the next 10 years, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district; and

d. The business has fewer than 200 employees and at least 75 percent of the employees are employed in this state. For purposes of this subsection, the term ~~“qualified business”~~ also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

4. The term does not include:

a. Any business predominantly engaged in retail sales, real estate development, insurance, banking, lending, or oil and gas exploration.

b. Any business predominantly engaged in professional services provided by accountants, lawyers, or physicians.

c. Any company that has no historical revenues and either has no specific business plan or purpose or has indicated that its business plan is solely to engage in a merger or acquisition with any unidentified company or other entity.

d. Any company that has a strategic plan to grow through the acquisition of firms with substantially similar business which would result in the planned net loss of Florida-based jobs over a 12-month period after the acquisition as determined by the department.

~~A business predominantly engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration, or engaged in professional services provided by accountants, lawyers, or physicians does not constitute a qualified business.~~

(l) “Qualified debt instrument” means a debt instrument, or a hybrid of a debt instrument, issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years after the date of issuance, a repayment schedule which is no faster than a level principal amortization over a 5-year period, and interest, distribution, or payment features which are not related to the profitability of the certified capital company or the performance of the certified capital company’s investment portfolio.

(m) “Qualified distribution” means any distribution or payment *by* ~~to equity holders of~~ a certified capital company for:

1. *Reasonable* costs and expenses*, including professional fees,* of forming *and*~~,~~ syndicating *the certified capital company, if no such costs are paid to a certified investor and the total cash, cash equivalents and other current assets permitted by s. 288.99(5)(b)3.g. that can be converted into cash within 5 business days available to the certified capital company at the time of receipt of certified capital from certified investors, after deducting the costs and expenses of forming and syndicating the certified capital company, including any payments made over time for obligations incurred at the time of receipt of certified capital excluding other future qualified distributions and payments made under s. 288.99(9)(a), are an amount equal to or greater than 50 percent of the total certified capital allocated to the certified capital pursuant to s. 288.99(7);*~~,~~

2. Reasonable costs of managing~~,~~ and operating the certified capital company, *not exceeding 5 percent of the certified capital in any 1 year,* including an annual management fee in an amount that does not exceed 2.5 percent of the certified capital of the certified capital company*;*~~, plus~~

3. Reasonable and necessary fees in accordance with industry custom for professional services, including, but not limited to, legal and accounting services, related to the operation of the certified capital company*; or*~~.~~

4.~~2.~~ Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

(n)*1.* “Qualified investment” means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security ~~of any nature and description whatsoever~~, including a debt instrument or security *that* ~~which~~ has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants.

2. The term does not include:

a. Any investment made after the effective date of this act the contractual terms of which require the repayment of any portion of the principal in instances, other than default as determined by department rule, within 12 months following the initial investment by the certified capital company unless such investment has a repayment schedule no faster than a level principal amortization of at least 2 years;

b. Any “follow-on” or “add-on” investment except for the amount by which the new investment is in addition to the amount of the certified capital company’s initial investment returned to it other than in the form of interest, dividends, or other types of profit participation or distributions; or

c. Any investment in a qualified business or affiliate of a qualified business that exceeds 15 percent of certified capital.

(o) “Program One” means the $150 million in premium tax credits issued under this act in 1999, the allocation of such credits under this act, and the regulation of certified capital companies and investments made by them hereunder.

(p) “Program Two” means the $50 million in premium tax credits to be issued under this act on April 1, 2002, the allocation of such credits under this act, and the regulation of certified capital companies and investments made by them hereunder.

(4) CERTIFICATION; GROUNDS FOR DENIAL OR DECERTIFICATION.—

(a) To operate as a certified capital company, a corporation, partnership, or limited liability company must be certified by the department pursuant to this act.

(b) An applicant for certification as a certified capital company must file a verified application with the department on or before December 1, 1998, *or November 1, 2001, in the case of applicants for Program Two,* in a form which the department may prescribe by rule. The applicant shall submit a nonrefundable application fee of $7,500 to the department. The applicant shall provide:

1. The name of the applicant and the address of its principal office and each office in this state.

2. The applicant's form and place of organization and the relevant organizational documents, bylaws, and amendments or restatements of such documents, bylaws, or amendments.

3. Evidence from the Department of State that the applicant is registered with the Department of State as required by law, maintains an active status with the Department of State, and has not been dissolved or had its registration revoked, canceled, or withdrawn.

4. The applicant's proposed method of doing business.

5. The applicant's financial condition and history, including an audit report on the financial statements prepared in accordance with generally accepted accounting principles showing net *worth* ~~capital~~ of not less than $500,000 within 90 days *prior to* ~~after~~ the date the application is submitted to the department. If the date of the application is more than 90 days after preparation of the applicant's fiscal year-end financial statements, the applicant may file financial statements reviewed by an independent certified public accountant for the period subsequent to the audit report, together with the audited financial statement for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file a financial statement reviewed by an independent certified public accountant.

6. Copies of any offering materials used or proposed to be used by the applicant in soliciting investments of certified capital from certified investors.

(c) On December 31, 1998, *or December 31, 2001, in the case of applicants for Program Two,* the department shall grant or deny certification as a certified capital company. If the department denies certification within the time period specified, the department shall inform the applicant of the grounds for the denial. If the department has not granted or denied certification within the time specified, the application shall be deemed approved. The department shall approve the application if the department finds that:

1. The applicant satisfies the requirements of paragraph (b).

2. No evidence exists that the applicant has committed any act specified in paragraph (d).

3. At least two of the principals have a minimum of 5 years of experience making venture capital investments out of private equity funds, with not less than $20 million being provided by third-party investors for investment in the early stage of operating businesses. At least one full-time manager or principal of the certified capital company who has such experience must be primarily located in an office of the certified capital company which is based in this state.

4. The applicant's proposed method of doing business and raising certified capital as described in its offering materials and other materials submitted to the department conforms with the requirements of this act.

(d) The department may deny certification or decertify a certified capital company if the grounds for decertification are not removed or corrected within 90 days after the notice of such grounds is received by the certified capital company. The department may deny certification or decertify a certified capital company if the certified capital company fails to maintain a net worth of at least $500,000, or if the department determines that the applicant, or any principal or director of the certified capital company, has:

1. Violated any provision of this section;

2. Made a material misrepresentation or false statement or concealed any essential or material fact from any person during the application process or with respect to information and reports required of certified capital companies under this section;

3. Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or any other country or government, including a fraudulent act in connection with the operation of a certified capital company, or in connection with the performance of fiduciary duties in another capacity;

4. Been adjudicated liable in a civil action on grounds of fraud, embezzlement, misrepresentation, or deceit; or

5.a. Been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a material violation of any federal or state securities or commodities law or any rule or regulation adopted under such law, or any rule or regulation of any national securities, commodities, or options exchange, or national securities, commodities, or options association; or

b. Been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries.

~~(e) The certified capital company shall file a copy of its certification with the office by January 31, 1999.~~

(e)~~(f)~~ Any offering material involving the sale of securities of the certified capital company shall include the following statement: "By authorizing the formation of a certified capital company, the State of Florida does not endorse the quality of management or the potential for earnings of such company and is not liable for damages or losses to a certified investor in the company. Use of the word 'certified' in an offering does not constitute a recommendation or endorsement of the investment by the State of Florida. Investments in a certified capital company prior to the time such company is certified are not eligible for premium tax credits. If applicable provisions of law are violated, the state may require forfeiture of unused premium tax credits and repayment of used premium tax credits by the certified investor."

(f)~~(g)~~ No insurance company or any affiliate of an insurance company shall, directly or indirectly, *own (whether through rights, options, convertible interests, or otherwise) 15 percent or more of the equity interests of or* manage or control the direction of investments of a certified capital company. This prohibition does not preclude a certified investor, insurance company, or any other party from exercising its legal rights and remedies, which may include interim management of a certified capital company, if a certified capital company is in default of its obligations under law or its contractual obligations to such certified investor, insurance company, or other party.

(g)~~(h)~~ On or before December 31 of each year, each certified capital company shall pay to the department an annual, nonrefundable renewal certification fee of $5,000. *If a certified capital company fails to pay its renewal fee by the specified deadline, it must pay a late fee of $5,000 in addition to the renewal fee on or by January 31 of each year in order to continue its certification in the program. On or before April 30 of each year, each certified capital company shall file audited financial statements with the department.* No renewal fees shall be required within 6 months after the date of initial certification.

(h)~~(i)~~ The department shall administer and provide for the enforcement of certification requirements for certified capital companies as provided in this act. The department may adopt any rules necessary to carry out its duties, obligations, and powers related to certification, renewal of certification, or decertification of certified capital companies and may perform any other acts necessary for the proper administration and enforcement of such duties, obligations, and powers.

(i)~~(j)~~ Decertification of a certified capital company under this subsection does not affect the ability of certified investors in such

certified capital company from claiming future premium tax credits earned as a result of an investment in the certified capital company during the period in which it was duly certified.

(5) INVESTMENTS BY CERTIFIED CAPITAL COMPANIES.—

(a) To remain certified, a certified capital company must make qualified investments according to the following schedule:

1. At least 20 percent of its certified capital must be invested in qualified investments by December 31, 2000*, or in the case of certified capital raised under Program Two, by December 31, 2003*.

2. At least 30 percent of its certified capital must be invested in qualified investments by December 31, 2001*, or in the case of certified capital raised under Program Two, by December 31, 2004*.

3. At least 40 percent of its certified capital must be invested in qualified investments by December 31, 2002*, or in the case of certified capital raised under Program Two, by December 31, 2005*.

4. At least 50 percent of its certified capital must be invested in qualified investments by December 31, 2003*, or in the case of certified capital raised under Program Two, by December 31, 2006*. At least 50 percent of such qualified investments must be invested in early stage technology businesses.

(b) All capital not invested in qualified investments by the certified capital company:

1. Must be held in a financial institution as defined by s. 655.005(1)(h) or held by a broker-dealer registered under s. 517.12*, except as set forth in s. 288.99(5)(b)3.g.*

2. Must not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company*, except for an investment permitted by s. 288.99(5)(b)3.g., provided repayment terms do not permit the obligor to directly or indirectly manage or control the investment decisions of the certified capital company*.

3. Must be invested only in:

a. Any United States Treasury obligations;

b. Certificates of deposit or other obligations, maturing within 3 years after acquisition of such certificates or obligations, issued by any financial institution or trust company incorporated under the laws of the United States;

c. Marketable obligations, maturing within 5 years or less after the acquisition of such obligations, which are rated "A" or better by any nationally recognized credit rating agency;

d. Mortgage-backed securities, with an average life of 5 years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;

e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States Government; are not private-label issues; are in book-entry form; and do not include the classes of interest only, principal only, residual, or zero; ~~or~~

f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in sub-subparagraphs a.-d.; *or*

g. Obligations that are issued by an insurance company that is not a certified investor of the certified capital company making the investment, that has provided a guarantee indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by s. 288.99(3)(m)1. or an affiliate of such insurance company as defined by s. 288.99(3)(a)3. that is not a certified investor of the certified capital company making the investment, provided that such obligations are:

(I) Issued or guaranteed as to principal by an entity whose senior debt is rated "AA" or better by Standard & Poor's Ratings Group or such other nationally recognized credit rating agency as the Department may by rule determine;

(II) Not subordinated to other unsecured indebtedness of the issuer or the guarantor;

(III) Invested by such issuing entity in accordance with s. 288.99(5)(b)3.a.-f.; and

(IV) Readily convertible into cash within 5 business days for the purpose of making a Qualified Investment unless such obligations are held to provide a guarantee, indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by s. 288.99(3)(m)1.

(6) PREMIUM TAX CREDIT; AMOUNT; LIMITATIONS.—

(a) Any certified investor who makes an investment of certified capital shall earn a vested credit against premium tax liability equal to 100 percent of the certified capital invested by the certified investor. Certified investors shall be entitled to use no more than 10 percentage points of the vested premium tax credit *earned under a particular program*, including any carryforward credits *from such program* under this act, per year beginning with premium tax filings for calendar year 2000 *for credits earned under Program One and calendar year 2003 for credits earned under Program Two*. Any premium tax credits not used by certified investors in any single year may be carried forward and applied against the premium tax liabilities of such investors for subsequent calendar years. ~~The carryforward credit may be applied against subsequent premium tax filings through calendar year 2017.~~

(7) ANNUAL TAX CREDIT; MAXIMUM AMOUNT; ALLOCATION PROCESS.—

(a) The total amount of tax credits which may be allocated by the office shall not exceed $150 million *with respect to Program One and $50 million with respect to Program Two*. The total amount of tax credits which may be used by certified investors under this act shall not exceed $15 million annually *with respect to credits earned under Program One and $5 million annually with respect to credits earned under Program Two*.

(c) Each certified capital company must apply to the office for an allocation of premium tax credits for potential certified investors by March 15, 1999, *or by March 15, 2002, in the case of credits allocable under Program Two,* on a form developed by the office with the cooperation of the Department of Revenue. The form shall be accompanied by an affidavit from each potential certified investor confirming that the potential certified investor has agreed to make an investment of certified capital in a certified capital company up to a specified amount, subject only to the receipt of a premium tax credit allocation pursuant to this subsection. *No certified capital company shall submit premium tax allocation claims on behalf of certified investors that in the aggregate would exceed the total dollar amount appropriated by the Legislature for the specific program.* No allocation shall be made to the potential investors of a certified capital company *under Program Two* unless such certified capital company has filed premium tax allocation claims that would result in an allocation to the potential investors in such certified capital company of not less than $15 million in the aggregate.

(d) On or before April 1, 1999, *or April 1, 2002, in the case of Program Two,* the office shall inform each certified capital company of its share of total premium tax credits available for allocation to each of its potential investors.

(e) If a certified capital company does not receive certified capital equaling the amount of premium tax credits allocated to a potential certified investor for which the investor filed a premium tax allocation claim within 10 business days after the investor received a notice of allocation, the certified capital company shall notify the office by overnight common carrier delivery service of the company's failure to receive the capital. That portion of the premium tax credits allocated to the certified capital company shall be forfeited. *The department may levy a fine of not more than $50,000 on any certified investor that does not invest the full amount of certified capital allocated by the department*

to such investor in accordance with the affidavit filed on its behalf. If the office must make a pro rata allocation under paragraph (f), the office shall reallocate such available credits among the other certified capital companies on the same pro rata basis as the initial allocation.

(f) If the total amount of capital committed by all certified investors to certified capital companies in premium tax allocation claims *under Program Two* exceeds the aggregate cap on the amount of credits that may be awarded *under Program Two*, the premium tax credits that may be allowed to any one certified investor *under Program Two* shall be allocated using the following ratio:

A/B = X/$50,000,000
~~A/B = X/$150,000,000~~

where the letter "A" represents the total amount of certified capital certified investors have agreed to invest in any one certified capital company *under Program Two*, the letter "B" represents the aggregate amount of certified capital that all certified investors have agreed to invest in all certified capital companies *under Program Two*, the letter "X" is the numerator and represents the total amount of premium tax credits and certified capital that may be allocated to a certified capital company *on April 1, 2002* ~~in calendar year 1999~~, and *$50* ~~$150~~ million is the denominator and represents the total amount of premium tax credits and certified capital that may be allocated to all certified investors in calendar year *2002* ~~1999~~. Any such premium tax credits are not first available for utilization until annual filings are made in 2001 for calendar year 2000 *in the case of Program One, and until annual filings are made in 2004 for calendar year 2003 in the case of Program Two*, and the tax credits may be used at a rate not to exceed 10 percent annually *per program*.

(g) The maximum amount of certified capital for which premium tax allocation claims may be filed on behalf of any certified investor and its affiliates by one or more certified *capital* companies may not exceed $15 million *for Program One, and $7.5 million for Program Two*.

(h) To the extent that less than *$50* ~~$150~~ million in certified capital is raised in connection with the procedure set forth in paragraphs (c)-(g), the department may adopt rules to allow a subsequent allocation of the remaining premium tax credits authorized under this section.

(i) The office shall issue a certification letter for each certified investor, showing the amount invested in the certified capital company under each program. The applicable certified capital company shall attest to the validity of the certification letter.

(8) ANNUAL TAX CREDIT; CLAIM PROCESS.—

(a) On an annual basis, on or before *January* ~~December~~ 31, each certified capital company shall file with the department and the office, in consultation with the department, on a form prescribed by the office, for each calendar year:

1. The total dollar amount the certified capital company received from certified investors, the identity of the certified investors, and the amount received from each certified investor during the *immediately preceding* calendar year.

2. The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business *during the immediately preceding calendar year*.

3. For informational purposes only, the total number of permanent, full-time jobs either created or retained by the qualified business during the *immediately preceding* calendar year, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate, and any additional capital invested in qualified businesses from sources other than certified capital companies.

(9) REQUIREMENT FOR 100 PERCENT INVESTMENT; STATE PARTICIPATION.—

(a) A certified capital company may make qualified distributions at any time. In order to make a distribution to its equity holders, other than a qualified distribution *out of funds related to a particular program*, a certified capital company must have invested an amount cumulatively equal to 100 percent of its certified capital *raised under such program* in qualified investments. Payments to debt holders of a certified capital company, however, may be made without restriction with respect to repayments of principal and interest on indebtedness owed to them by a certified capital company, including indebtedness of the certified capital company on which certified investors earned premium tax credits. A debt holder that is also a certified investor or equity holder of a certified capital company may receive payments with respect to such debt without restrictions.

(b) Cumulative distributions from a certified capital company *out of funds related to a particular program* to its certified investors and equity holders *under such program*, other than qualified distributions, in excess of the certified capital company's original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program* may be audited by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company, if the department directs such audit be conducted. The audit shall determine whether aggregate cumulative distributions from the *funds related to a particular program made by the* certified capital company to all certified investors and equity holders *under such program*, other than qualified distributions, have equaled the sum of the certified capital company's original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program*. If at the time of any such distribution made by the certified capital company, such distribution taken together with all other such distributions *from the funds related to such program* made by the certified capital company, other than qualified distributions, exceeds in the aggregate the sum of the certified capital company's original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program*, as determined by the audit, the certified capital company shall pay to the Department of Revenue 10 percent of the portion of such distribution in excess of such amount. Payments to the Department of Revenue by a certified capital company pursuant to this paragraph shall not exceed the aggregate amount of tax credits used by all certified investors in such certified capital company *for such program*.

(10) DECERTIFICATION.—

(f) Decertification of a certified capital company for failure to meet all requirements for continued certification under paragraph (5)(a) *with respect to the certified capital raised under a particular program* may cause the recapture of premium tax credits previously claimed by such company *under such program* and the forfeiture of future premium tax credits to be claimed by certified investors *under such program* with respect to such certified capital company, as follows:

1. Decertification of a certified capital company within 3 years after its certification date *with respect to a particular program* shall cause the recapture of all premium tax credits *earned under such program and* previously claimed by such company and the forfeiture of all future premium tax credits *earned under such program which are* to be claimed by certified investors with respect to such company.

2. When a certified capital company meets all requirements for continued certification under subparagraph (5)(a)1. *with respect to certified capital raised under a particular program* and subsequently fails to meet the requirements for continued certification under the provisions of subparagraph (5)(a)2. *with respect to certified capital raised under such program*, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 3 years after the certification date of the certified capital company *with respect to such program* shall not be subject to recapture or forfeiture; however, all premium tax credits *earned under such program* that have been or will be taken by certified investors after the third anniversary of the certification date of the certified capital company *for such program* shall be subject to recapture or forfeiture.

3. When a certified capital company meets all requirements for continued certification under subparagraphs (5)(a)1. and 2. *with respect to a particular program* and subsequently fails to meet the requirements

for continued certification under the subparagraph (5)(a)3. *with respect to such program*, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 4 years after the certification date of the certified capital company *with respect to such program* shall not be subject to recapture or forfeiture; however, all premium tax credits *earned under such program* that have been or will be taken by certified investors after the fourth anniversary of the certification date of the certified capital company *with respect to such program* shall be subject to recapture and forfeiture.

4. If a certified capital company has met all requirements for continued certification under paragraph (5)(a) *with respect to certified capital raised under a particular program*, but such company is subsequently decertified, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 5 years after the certification date of such company *with respect to such program* shall not be subject to recapture or forfeiture. Those premium tax credits *earned under such program and* to be taken subsequent to the 5th year of certification *with respect to such program* shall be subject to forfeiture only if the certified capital company is decertified within 5 years after its certification date *with respect to such program*.

5. If a certified capital company has invested an amount cumulatively equal to 100 percent of its certified capital *raised under a particular program* in qualified investments, all premium tax credits claimed or to be claimed by its certified investors *under such program* shall not be subject to recapture or forfeiture.

Section 2. This act shall take effect July 1, 2001.

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 Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

Rep. Crow moved the adoption of **Amendment 1 to First Engrossed CS/HB 293**, which was adopted.

The question recurred on the passage of CS/HB 293. The vote was:

Session Vote Sequence: 469

Yeas—114

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

Nays—None

Votes after roll call:
Yeas—Kyle

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 347, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; 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; 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; 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; providing an effective date.

Senate Amendment 1 (with title amendment)—On page 6, line 1, through page 13, line 12, delete those lines

insert:

Section 5. Effective October 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 *a local government* ~~the~~ employer or *an* agency of state government *with firefighting responsibilities*. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires*, fire prevention, or firefighter training;* ~~or~~ direct supervision of firefighting units, *fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services;* 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 *or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility*. 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).

Section 6. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be

compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general,* and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 7. 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 that 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. *The term includes 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; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; 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, 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 to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing *the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program* ~~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~~. *Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee's actuarial accrued liability.

4. Employees' ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting

unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base. During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services *if those services cannot be competitively and contractually 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. *This section does not 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; or periodic reporting to participants, at least quarterly, on account balances and transactions, if these services are authorized by the board as part of the contract.*

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 may offer multiple* ~~who offer 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, United States fixed income, United States 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, which meet the requirements of this subsection and 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 may include products that give participants the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that 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 does 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 returns higher than those that 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, must be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all federal and state securities and insurance laws and regulations applicable to the provider, as well as the applicable rules and guidelines of the National Association of Securities Dealers which govern 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 rules of the National Association of Securities Dealers.

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 agency.

4. Approved providers may not sell or in any way distribute any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 8. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 9. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

Section 10. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, *2001* ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, *2001* ~~1997~~, and December 31, *2001* ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-26, delete those lines

and insert: amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term "approved provider" for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member's optional program account to the defined benefit plan; providing for amortization of any unfunded liability; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding; amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class;

Representative(s) Fasano offered the following:

(Amendment Bar Code: 603071)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 5, line 15, through page 21, line 30,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 6. Effective October 1, 2001, subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to

participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of joint committees and service offices of the Legislature, the Auditor General and up to 9 managerial or policymaking positions within his or her office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any legislative employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, at the discretion of the President of the Senate and the Speaker of the House of Representatives, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(d) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System in a position that has been designated eligible for inclusion in the Executive Service of the State University System or who holds a position as president of a state university, unless such member elects, pursuant to s. 121.35, to participate in the optional retirement program.

(e) Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for the number of senior managers who have policymaking authority with the State Board of Administration, as determined by the Governor, Treasurer, and Comptroller acting as the State Board of Administration, unless such member elects to participate in the Senior Management Service Optional Annuity Program as established in subsection (6) in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the division and the personnel officer of the State Board of Administration within 90 days after becoming eligible for membership in the Senior Management Service Class.

(f) Effective July 1, 1997:

1. Any elected state officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(a), (b), or (c) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office or within 6 months after this act becomes a law for serving elected state officers, elect to participate in the Senior Management Service Optional Annuity Program, as provided in subsection (6), in lieu of membership in the Senior Management Service Class.

2. Any elected county officer eligible for membership in the Elected Officers' Class under s. 121.052(2)(d) who elects membership in the Senior Management Service Class under s. 121.052(3)(c) may, within 6 months after assuming office, or within 6 months after this act becomes a law for serving elected county officers, elect to participate in a lifetime monthly annuity program, as provided in subparagraph (b)2., in lieu of membership in the Senior Management Service Class.

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, State Quartermaster, Director of Military Personnel, Director of Administration, and additional directors as designated by the agency head, not to exceed a total of 10 positions. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the Capital Collateral Regional Counsels, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels. *Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.*

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, *assistant attorneys general,* and assistant capital collateral regional counsels, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security.

2. In lieu of participating in the Senior Management Service Class, a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).

(j) Except as may otherwise be provided, any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph

(4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 7. 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. *The term includes 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; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; 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 8. *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 9. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters and ~~state~~ law enforcement officers; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or *any* ~~state~~ law enforcement officer*, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3), respectively,* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or ~~state~~ law enforcement officer shall have successfully passed a physical examination upon entering into any such service as a firefighter or ~~state~~ law enforcement officer, *correctional officer, or correctional probation officer,* which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter*, law enforcement officer, correctional officer, or correctional probation officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

And the title is amended as follows:

On page 23, line 27, through page 24, line 22, of the amendment
remove: all of said lines

and insert in lieu thereof: technicians, or paramedics; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; 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; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers and correctional probation officers; amending s. 121.0515, F.S.; allowing

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

On motion by Rep. Fasano, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of CS/HB 347. The vote was:

Session Vote Sequence: 470

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
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	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Bense	Gardiner	Lerner	Slosberg
Benson	Gelber	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

On motion by Rep. Byrd, the House moved to the consideration of SB 338 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

SB 338—A bill to be entitled An act relating to criminal justice; providing a short title; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting an officer with violence to the officer's person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting an officer with violence to the officer's person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—was read the third time by title.

Representative(s) Andrews offered the following:

(Amendment Bar Code: 771051)

Amendment 1 (with title amendment)—On page 1, line 24,

insert:

Section 1. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being *or unborn quick child* commits DUI manslaughter, and commits:

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

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

Section 2. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being, or the killing of *an unborn quick child* ~~a viable fetus~~ by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(b) The person failed to give information and render aid as required by s. 316.062.

This subsection does not require that the person knew that the accident resulted in injury or death.

~~(3) For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures~~.

(3)~~(4)~~ A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

Section 3. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn child by injury to mother.—

(1) The *unlawful* ~~willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother. A person who unlawfully kills an unborn quick child by any injury to the mother:*

(a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother's death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

(b) Which would be murder in the second degree if it resulted in the mother's death commits murder in the second degree, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Which would be murder in the third degree if it resulted in the mother's death commits murder in the third degree, ~~manslaughter,~~ a

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

(2) The unlawful killing of an unborn quick child, by any injury to the mother of such child which would be manslaughter if it resulted in the death of such mother, shall be deemed manslaughter. A person who unlawfully kills an unborn quick child by any injury to the mother which would be manslaughter if it resulted in the mother's death commits manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The death of the mother resulting from the same act or criminal episode which caused the death of the unborn quick child shall not bar prosecution under this section.

(4) This section does not authorize the prosecution of any person in connection with a termination of pregnancy pursuant to chapter 390.

Section 4. Paragraphs (g) and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or *unborn quick child* ~~viable fetus~~ by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

Florida Statute	Felony Degree	Description
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less then 5 kilograms.
893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071*(1)(b)* ~~(2)~~	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

Florida Statute	Felony Degree	Description
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

Section 5. Paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1), *s. 782.071(1)(b)* ~~s. 782.071(2)~~, or s. 860.13(1)(a) which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a "vehicular homicide"; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act;

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

The question recurred on the passage of SB 338. The vote was:

Session Vote Sequence: 471

Yeas—120

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

Nays—None

So the bill passed and was immediately certified to the Senate.

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 210 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Saunders, Carlton and Crist—

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—was read the first time by title. On motion by Rep. Farkas, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 472

Yeas—116

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

Nays—1

Fiorentino

So the bill passed and was immediately certified to the Senate.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 510 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Burt and King—

SB 510—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Rep. Lynn, the rules were waived and the bill was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 473

Yeas—116

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

Nays—1

Henriquez

So the bill passed and was immediately certified to the Senate.

Recalled from Senate

On motion by Rep. Hogan, the Senate was requested to return **CS for CS for SB 374**.

On motion by Rep. Byrd, the rules were waived and the House moved to the consideration of CS for SB 1692 on the order of—

Unfinished Business

CS for SB 1692—A bill to be entitled An act relating to pari-mutuel wagering; providing a title; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the

charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds"; providing an effective date.

—was taken up, having been read the second time on May 2; now pending on point of order by Rep. Greenstein, under Rule 12.9, on Amendment 1 to Amendment 1 by Rep. Garcia (shown in the *Journal* on pages 1827-1828, May 2).

Subsequently, Rep. Greenstein withdrew the point of order.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the adoption of Amendment 1 to Amendment 1.

Motion

Rep. Russell moved the previous question on the amendment to the amendment, which was agreed to.

The question recurred on the adoption of **Amendment 1 to Amendment 1**.

Rep. Diaz de la Portilla suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 474].

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 475

Yeas—55

The Chair	Byrd	Harper	Needelman
Allen	Cantens	Henriquez	Paul
Argenziano	Carassas	Hogan	Pickens
Arza	Clarke	Johnson	Prieguez
Attkisson	Crow	Jordan	Ross
Barreiro	Cusack	Kravitz	Rubio
Bean	Davis	Lacasa	Russell
Bendross-Mindingall	Detert	Lee	Simmons
Bense	Diaz de la Portilla	Lerner	Siplin
Benson	Fields	Lynn	Slosberg
Betancourt	Fiorentino	Mahon	Sorensen
Bilirakis	Garcia	Mayfield	Stansel
Brutus	Gelber	Maygarden	Wilson
Bullard	Gibson	Murman	

Nays—58

Alexander	Gottlieb	Kosmas	Ritter
Atwater	Green	Kottkamp	Romeo
Ausley	Greenstein	Kyle	Ryan
Baker	Haridopolos	Littlefield	Seiler
Baxley	Harrell	Machek	Smith
Bennett	Harrington	Mack	Sobel
Brown	Hart	McGriff	Spratt
Brummer	Heyman	Meadows	Trovillion
Bucher	Holloway	Mealor	Wallace
Farkas	Jennings	Melvin	Waters
Flanagan	Joyner	Miller	Weissman
Frankel	Justice	Negron	Wiles
Gannon	Kallinger	Peterman	Wishner
Gardiner	Kendrick	Rich	
Goodlette	Kilmer	Richardson	

Votes after roll call:
Yeas—Berfield
Yeas to Nays—Fields

Representative(s) Kyle offered the following:

(Amendment Bar Code: 943879)

Amendment 2 to Amendment 1 (with title amendment)—On page 8 between lines 26 and 27,

insert:

Section 6. Contracts for appraisals.—

(1) The Department of Business and Professional Regulation shall contract with qualified professionals for the purpose of obtaining an update of the appraisal of the lands and facilities known as Hialeah Park and the pari-mutuel permit held by Hialeah, Inc., utilizing the information filed in accordance with the provisions of s. 550.125 and the existing appraisal submitted as part of the comprehensive study of the feasibility of state or municipal ownership of Hialeah Park pursuant to s. 12, chapter 98-190. The department shall also review and recommend the procedures by which the state may purchase the described property and maintain its historical features.

(2) For the purpose of appraising the land and facilities of Hialeah Park, the department shall select an appraiser from a list of appraisers maintained by the Department of Environmental Protection, Division of State Lands, Bureau of Appraisals. Upon completion of the appraisal, such appraiser, and all subcontractors of the appraiser shall provide written certification to the department that the appraisal is in substantial compliance with the Uniform Standards of Professional Appraisal Practice.

(3) For the purpose of appraising the pari-mutuel permit, the department shall select an appraiser from among qualified persons who possess the requisite professional licenses and certifications to establish sufficient expertise to perform the appraisal of the value of the pari-mutuel permit.

(4) Neither the appraiser of the land and facilities nor the appraiser of the value of the pari-mutuel permit shall have any ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisals, at which time the appraisals shall become a public record and available for inspection by all parties. All such appraisals shall be completed by November 15, 2001.

(5) In the conduct of the duties and responsibilities set out herein, the department and all employees, agents, and others shall be subject to the provisions of chapter 119, provided that the confidentiality of the appraisal and communications with such appraiser shall be governed by subsection (4).

(6) A final report by the department containing the information required under subsection (1) shall be filed with the Speaker of the House, the President of the Senate, and the Governor by January 15, 2002.

(7) There is hereby appropriated the sum of $50,000 from the Pari-mutuel Wagering Trust Fund to the department for the purpose of contracting to obtain an update of the appraisal of the land and facilities and the pari-mutuel permit described in subsection (1) and for the purpose of preparing the report required under subsection (6).

And the title is amended as follows:

On page 10, line 9, after the semicolon,

insert: requiring an updated real estate and permit appraisal for Hialeah Park; requiring a report with recommendations by the department; providing an appropriation;

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

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

Representative(s) Garcia offered the following:

(Amendment Bar Code: 175361)

Amendment 2 (with title amendment)—On page 1, line 31, of the bill

insert:

Section 1. *There is hereby created a committee of the Legislature to study the condition of thoroughbred horse racing in South Florida within Miami-Dade and Broward Counties. Such committee shall be composed of three members of the House of Representatives, appointed by the Speaker of the House of Representatives, and three members of the Senate appointed by the President of the Senate. The committee shall appoint a chair and cochairs from its members and shall have the use of and support of the staffs of either chamber as the Speaker and the President shall determine. The committee shall hold hearings and hear testimony on the condition of South Florida thoroughbred racing in those counties and shall hear evidence regarding it. The committee shall issue a report to the Speaker and the President on or before June 15, 2002. The committee shall consider the historical, cultural, and economic importance of the industry to the state and whether any or all of the thoroughbred facilities in such counties shall be preserved or acquired by the state for the best interest of the people of the state.*

Section 6. Section 9 of chapter 98-190, Laws of Florida, is amended to read:

Section 9. Effective July 1, *2003* ~~2001~~, subsection (11) of s. 550.615, Florida Statutes, is repealed.

Section 7. Section 10 of chapter 2000-354, Laws of Florida, is amended to read:

Section 10. Effective July 1, *2003* ~~2001~~, paragraph (a) of subsection (2) of section 550.09515, Florida Statutes, as amended by section 4 of chapter 98-190, Laws of Florida, is reenacted to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(2)(a) ~~Notwithstanding the provisions of s. 550.0951(3)(a),~~ The tax on handle for live thoroughbred *horserace* ~~horse~~ performances shall be *0.5 percent.* ~~subject to the following:~~

~~1. The tax on handle per performance for live thoroughbred performances is 2.25 percent of handle for performances conducted during the period beginning on January 3 and ending March 16; .70 percent of handle for performances conducted during the period beginning March 17 and ending May 22; and 1.5 percent of handle for performances conducted during the period beginning May 23 and ending January 2.~~

~~2. However, any thoroughbred permitholder whose total handle on live performances during the 1991-1992 state fiscal year was not greater than $34 million is authorized to conduct live performances at any time of the year and shall pay 0.5 percent on live handle per performance.~~

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: providing for a study of thoroughbred racing in Miami-Dade and Broward Counties; requiring a report; amending s. 9 of ch. 98-190, Laws of Florida; postponing repeal of provisions relating to intertrack wagering broadcasts; amending s. 10 of ch. 2000-354, Laws of Florida; postponing effective date of provisions modifying the tax on handle for live thoroughbred performances;

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

Session Vote Sequence: 476

Yeas—58

The Chair	Bendross-Mindingall	Brutus	Davis
Allen	Bense	Bullard	Detert
Andrews	Benson	Byrd	Diaz de la Portilla
Argenziano	Berfield	Cantens	Fiorentino
Arza	Betancourt	Carassas	Garcia
Attkisson	Bilirakis	Clarke	Gelber
Barreiro	Bowen	Crow	Gibson
Bean	Brown	Cusack	Harper
Henriquez	Lerner	Paul	Siplin
Hogan	Lynn	Pickens	Slosberg
Johnson	Mahon	Prieguez	Sorensen
Jordan	Mayfield	Ross	Stansel
Kravitz	Maygarden	Rubio	Wilson
Lacasa	Murman	Russell	
Lee	Needelman	Simmons	

Nays—58

Alexander	Gottlieb	Kosmas	Ritter
Atwater	Green	Kottkamp	Romeo
Ausley	Greenstein	Kyle	Ryan
Baker	Haridopolos	Littlefield	Seiler
Baxley	Harrell	Machek	Smith
Bennett	Harrington	Mack	Sobel
Brummer	Hart	McGriff	Spratt
Bucher	Heyman	Meadows	Trovillion
Farkas	Holloway	Mealor	Wallace
Fields	Jennings	Melvin	Waters
Flanagan	Joyner	Miller	Weissman
Frankel	Justice	Negron	Wiles
Gannon	Kallinger	Peterman	Wishner
Gardiner	Kendrick	Rich	
Goodlette	Kilmer	Richardson	

THE SPEAKER IN THE CHAIR

On motion by Rep. Fasano, the rules were waived and CS for SB 1692, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 477

Yeas—75

Andrews	Diaz de la Portilla	Joyner	Ritter
Argenziano	Farkas	Justice	Romeo
Arza	Fasano	Kosmas	Ross
Attkisson	Fields	Kravitz	Russell
Atwater	Flanagan	Lee	Ryan
Ausley	Frankel	Lerner	Seiler
Baker	Gannon	Littlefield	Simmons
Bean	Garcia	Machek	Siplin
Bense	Gelber	Mack	Slosberg
Benson	Goodlette	Mahon	Smith
Betancourt	Gottlieb	Mayfield	Sobel
Bilirakis	Greenstein	McGriff	Sorensen
Brutus	Harrell	Meadows	Stansel
Bucher	Henriquez	Mealor	Wallace
Bullard	Heyman	Melvin	Waters
Cantens	Hogan	Paul	Weissman
Clarke	Holloway	Prieguez	Wilson
Cusack	Johnson	Rich	Wishner
Detert	Jordan	Richardson	

Nays—34

The Chair	Brummer	Harrington	Negron
Alexander	Byrd	Hart	Peterman
Allen	Carassas	Kallinger	Pickens
Ball	Crow	Kilmer	Rubio
Baxley	Dockery	Kottkamp	Spratt
Bendross-Mindingall	Gardiner	Kyle	Trovillion
Berfield	Gibson	Lynn	Wiles
Bowen	Green	Miller	
Brown	Haridopolos	Needelman	

Votes after roll call:
Yeas—Fiorentino, Harper, Maygarden
Nays—Bennett, Murman
Yeas to Nays—Benson, Frankel, Johnson
Nays to Yeas—Haridopolos, Peterman

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

On motion by Rep. Byrd, the House moved to the consideration of SB 532 on Special Orders.

Special Orders

Continuation of Special Order Calendar

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—was read the second time by title. On motion by Rep. Wallace, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 478

Yeas—119

The Chair	Clarke	Hogan	Negron
Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Peterman
Andrews	Davis	Johnson	Pickens
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	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	

Nays—None

So the bill passed and was immediately certified to the Senate.

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1684 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senators Klein and Crist—

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

—was read the first time by title. On motion by Rep. Atwater, the rules were waived and the bill was read the second time by title.

Representative(s) Atwater offered the following:

(Amendment Bar Code: 950359)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Transition to Teaching Program; Legislative intent.—The Transition to Teaching Program is created to encourage and assist mid-career professionals who want to become teachers.*

Section 2. *Grants; eligible applicants.—*

(1) The Commissioner of Education shall design the process for receiving and evaluating grant proposals in accordance with state and federal appropriations guidelines. Grants may be awarded only to the extent that funding is provided.

(2) The Commissioner of Education shall request proposals from eligible applicants to participate in the program. Each application must:

(a) Describe the target group of career-changing professionals upon which the applicant will focus in carrying out its program, including a description of the characteristics of the target group that shows how the knowledge and experience of its members are likely to improve their ability to become effective teachers.

(b) Describe how the applicant will identify and recruit program participants.

(c) Describe how the applicant will ensure that program participants are placed and teach in eligible school districts in this state.

(d) Describe the teacher support services that program participants will receive throughout at least their first year of teaching.

(e) Describe how the applicant will collaborate with other institutions, agencies, or organizations to recruit, train, place, and support program participants, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program.

(3) The Commissioner of Education must require an evaluation process to measure the progress and effectiveness of the program. This evaluation must include:

(a) The program's goals and objectives.

(b) The performance indicators that the applicant will use to measure the program's progress.

(c) The outcome measures that will be used to determine the program's effectiveness.

(d) An assurance that the applicant will provide the commissioner with information the commissioner finds necessary to determine the overall effectiveness of the programs.

Section 3. *Program implementation; authorized expenditures.—*

(1) An applicant shall estimate the funds required for the proposed program. All funds provided for a program must be used as authorized in federal guidelines.

(2) Eligible applicants are encouraged to implement the program using the following components:

(a) Recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that will train, place, and support them in the teaching profession.

(b) Assisting providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching.

(c) Placement activities, including identifying eligible local education agencies with a need for the skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those school districts.

(d) Post-placement support activities for program participants.

Section 4. *Eligible participants; requirements for grant repayment.—*

(1) Each participant who receives a grant from the program to pursue a teacher-preparation program must agree to teach in an eligible school district in this state for at least 3 years after certification. To be eligible, a school district must meet the requirements established in regulations that implement the Omnibus Appropriations Bill of 2000.

(2) The commissioner shall establish conditions under which a participant must repay all or a portion of the training stipend if the participant fails to complete his or her service obligation.

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2,
remove the entire title from the bill

and insert in lieu thereof: An act relating to teacher recruitment; creating the Transition to Teaching Program; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

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

On motion by Rep. Atwater, the rules were waived and CS for SB 1684, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 479

Yeas—120

The Chair	Cantens	Harrington	McGriff
Alexander	Carassas	Hart	Meadows
Allen	Clarke	Henriquez	Mealor
Andrews	Crow	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	Pickens
Barreiro	Fasano	Kallinger	Prieguez
Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Flanagan	Kosmas	Ritter
Bennett	Frankel	Kottkamp	Romeo
Bense	Gannon	Kravitz	Ross
Benson	Garcia	Kyle	Rubio
Berfield	Gardiner	Lacasa	Russell
Betancourt	Gelber	Lee	Ryan
Bilirakis	Gibson	Lerner	Seiler
Bowen	Goodlette	Littlefield	Simmons
Brown	Gottlieb	Lynn	Siplin
Brummer	Green	Machek	Slosberg
Brutus	Greenstein	Mack	Smith
Bucher	Haridopolos	Mahon	Sobel
Bullard	Harper	Mayfield	Sorensen
Byrd	Harrell	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.

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1562.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1562 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Regulated Industries and Senator Burt—

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

—was read the first time by title. On motion by Rep. Slosberg, the rules were waived and the bill was read the second time by title.

Representative(s) Slosberg and Brummer offered the following:

(Amendment Bar Code: 245935)

Amendment 1—On page 1, lines 24-26,
remove from the bill: all of said lines

and insert in lieu thereof: *Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement is confidential and exempt from the provisions of s.*

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

On motion by Rep. Slosberg, the rules were waived and CS for SB 1562, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 480

Yeas—108

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

Spratt Wallace Weissman Wilson
Trovillion Waters Wiles Wishner

Nays—9

Bean Flanagan Justice Smith
Carassas Henriquez Kendrick Stansel
Dockery

Votes after roll call:
Yeas—Fields

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

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 657, with one amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 657—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes *2001* ~~1999~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of *1999* ~~1997~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes *1999* ~~1997~~ enacted in additional reviser's bill or bills by the *2001* ~~1999~~ Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes *2001* ~~1999~~" and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes *2001* ~~1999~~," "Florida Statutes," or "F.S. *2001* ~~1999~~."

Section 2. Section 11.2422, Florida Statutes, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the regular *1999* ~~1997~~ legislative session, and every part of such statute, not included in Florida Statutes *2001* ~~1999~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 3. Section 11.2424, Florida Statutes, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the *January 2000* ~~November 1997~~ special session, the *2000* ~~1998~~ regular session, and the *2001* ~~1999~~ regular session are not repealed by the adoption and enactment of the Florida Statutes *2001* ~~1999~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 4. Section 11.2425, Florida Statutes, is amended to read:

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes *2001* ~~1999~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

Section 5. *The Division of Statutory Revision is requested to prepare for introduction at the 2002 Regular Session of the Legislature an adoption act that adopts the public statutes of 2000.*

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 1999 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

WHEREAS, the Legislature intends to begin annually adopting the Florida Statutes of 2 years preceding the year in which the adoption act is enacted, NOW, THEREFORE,

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 405209)

House Amendment 1 to Senate Amendment 1 (with title amendment)—On page 1, lines 21 and 26, and on page 2, line 6, remove from the amendment: *1999*

and insert in lieu thereof: *2000*

And the title is amended as follows:

On page 3, lines 16-28, of the amendment
remove: all of said lines

and insert in lieu thereof: 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the January 2000 Special Session, the 2000 Regular Session, and the 2001 Regular Session are not repealed by this adoption act; requesting the Division of Statutory Revision to prepare an adoption act for introduction at the 2002 Regular Session.

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

On motion by Rep. Goodlette, the House concurred in Senate Amendment 1, as amended.

The question recurred on the passage of HB 657. The vote was:

Session Vote Sequence: 481

Yeas—120

The Chair Brown Gannon Justice
Alexander Brummer Garcia Kallinger
Allen Brutus Gardiner Kendrick
Andrews Bucher Gelber Kilmer
Argenziano Bullard Gibson Kosmas
Arza Byrd Goodlette Kottkamp
Attkisson Cantens Gottlieb Kravitz
Atwater Carassas Green Kyle
Ausley Clarke Greenstein Lacasa
Baker Crow Haridopolos Lee
Ball Cusack Harper Lerner
Barreiro Davis Harrell 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
Bowen Frankel Joyner Melvin

Miller	Rich	Seiler	Stansel
Murman	Richardson	Simmons	Trovillion
Needelman	Ritter	Siplin	Wallace
Negron	Romeo	Slosberg	Waters
Paul	Ross	Smith	Weissman
Peterman	Rubio	Sobel	Wiles
Pickens	Russell	Sorensen	Wilson
Prieguez	Ryan	Spratt	Wishner

Nays—None

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

On motion by Rep. Hart, the House moved to the consideration of SB 1738.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1738, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Bronson—

SB 1738—A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

—was read the first time by title.

Rep. Hart moved to waive the rules and read SB 1738 a second time by title, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 482

Yeas—77

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

Nays—43

Ausley	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
Gelber	Kosmas	Ryan	

Thereupon, the Speaker referred SB 1738 to the Calendar of the House.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 41; CS/HB 245; HBs 387, 393, and 403; CS/CS/HB 411; CS/HJR 471 and passed CS/CS/HB 503 by the required three-fifths vote of the members of the Senate; passed CS/CS/HB 719; HB 1221; CS/HB 1385; HB 1429; CS/HB 1633; HB 1635; and CS/HB 1805.

Faye W. Blanton, Secretary

The above bills and joint resolution were ordered enrolled.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 to CS for SB 466.

The President has appointed the following Senators on the part of the Senate: Senator Garcia, Chairman, Senators Carlton, Lawson, Posey, and Smith.

Faye W. Blanton, Secretary

Motion to Adjourn

Rep. Goodlette moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 11:00 a.m., Friday, May 4. The motion was agreed to.

Recorded Votes

Rep. Alexander:

Change from Nays to Yeas—Amendment 1 to CS for SB 466

Rep. Atwater:

Yeas—CS for SB 1012

Rep. Ball:

Yeas—SB 540; SB 1516; CS for SB 1852

Rep. Bendross-Mindingall:

Yeas—CS for SB 302

Rep. Benson:

Yeas—motion to reconsider the vote by which the motion to read CS for CS for SB 1038 a second time failed of adoption; Amendment 1 to Amendment 1 to CS/HB 1819

Rep. Berfield:

Yeas—HB 1785

Nays—Amendment 2 to HB 159

Change from Yeas to Nays—passage of CS/CS/HB 1053 after reconsideration

Rep. Bucher:

Change from Yeas to Nays—SB 1200

Rep. Cusack:

Yeas—HB 853; HB 891; CS for SB 1610

Change from Yeas to Nays—SB 1200

Rep. Diaz de la Portilla:

Yeas—CS/CS/HB 179; CS for SB 302; CS for CS for SB 400; CS for SB 466

Rep. Fields:

Change from Yeas to Nays—SB 1200

Rep. Gannon:

Yeas—CS/HB 137; HB 559; CS/HB 795; HB 821; HB 853; HB 941; SB 1166; CS for SB 1274

Change from Yeas to Nays—CS for CS for SB 710; SB 1200

Change from Nays to Yeas—CS for SB 1568

Rep. Gardiner:

Yeas—HB 863

Rep. Gelber:

Change from Yeas to Nays—SB 1200

Rep. Gottlieb:

Change from Yeas to Nays—CS for SB 1226

Rep. Harper:

Yeas—HB 163

Change from Yeas to Nays—Amendment 1 to CS for SB 466

Rep. Heyman:

Change from Yeas to Nays—SB 1200

Rep. Hogan:

Nays—HB 757

Rep. Joyner:

Yeas—CS/HB 795; HB 821; HB 853; CS for SB 1226; HR 9067

Nays—CS for CS for SB 710

Change from Yeas to Nays—SB 1200

Rep. Lerner:

Change from Yeas to Nays—SB 1200

Rep. Lynn:

Yeas—HB 489; Amendment 2 to CS for SB 924; CS for SB 1610; HB 1943

Nays—Amendment 1 to CS for SB 924

Rep. Mahon:

Yeas—HB 863

Rep. Miller:

Change from Nays to Yeas—Amendment 1 to CS for SB 466

Rep. Rich:

Change from Yeas to Nays—SB 1200

Rep. Romeo:

Change from Yeas to Nays—SB 1200

Rep. Sobel:

Change from Yeas to Nays—SB 1200

Rep. Spratt:

Yeas—HB 863; passage of CS/CS/HB 1053 after reconsideration; HB 1519; CS for CS for SB 1878

Rep. Trovillion:

Yeas—Amendment 1 to Amendment 2 to HB 69; motion to lay on the table Amendment 1 to HJR 951; motion to lay on the table Amendment 2 to HJR 951; HB 1707; HB 1717; HB 1731; HB 1733; HB 1737; HB 1743; HB 1745; HB 1749; HB 1825

Rep. Wiles:

Change from Yeas to Nays—CS/HB 1361

Rep. Wishner:

Yeas—HB 1419

Change from Nays to Yeas—CS for CS for SB 400

Explanation of Vote on CS for CS for CS for SB 1202

I promised reform would be forthcoming this Session on the issues surrounding the quality of care provided our elders in this state. Committee Substitute for Senate Bill 1202 was passed by the House today. This bill, while not perfect, does deliver reforms I promised to support—and takes Florida in the right direction on these crucial issues. I voted for this bill but I still have many concerns and feel much still needs our attention. The funding provided, $60m, pays for an increase in staffing hours but brings our nursing homes back to the Legislature for funding the next two years (to eventually reach full funding for the federally recommended staffing numbers). Funding is key to the reforms we seek. We need to address this issue at both state and federal levels. The $60m being provided is not enough. Our Medicaid reimbursement rates are too low, leaving the state's homes competing unfairly for qualified staff. I have been outspoken in my advocacy for our nonprofit homes, and hold strong reservations regards the lack of more specific protections for these providers under the provisions of this bill. They may not benefit from much relief in their struggles to maintain liability insurance. While tort reform is included in the bill, we will simply have to wait and see if these reforms mean the return of insurance companies to Florida. I supported these measures in the belief that we must seek reasonable balance in our situation and work forward from here. I hope the outcomes are what we expect.

Rep. Loranne Ausley
District 9

Explanation of Vote on HB 1811

The creation of a centralized State Technology Office (STO) is a mammoth undertaking. I voted against the original bill [HB 1811] in committee, voicing my concerns about the competitive procurement process as well as the lack of oversight. I worked with staff and Members on these issues, which have been addressed in the final bill. On the procurement issue, the bill requires the STO to go through the official rulemaking process to develop rules and specific guidelines for the procurement process. On the oversight issue, the legislation provides for several levels of oversight by both legislative appropriations committees, the Technology Review Workgroup, and the Legislative Budget Commission. I have thoroughly enjoyed my service as the lead Democrat on the House Information Technology Committee, and I am proud of the work we have done. I still have some concerns about the new STO, and will closely monitor the rulemaking process and other developments.

Rep. Loranne Ausley
District 9

Explanation of Vote on CS for CS for CS for SB 1202

The Florida House took a positive step towards improving the Elder Care Crisis in Florida through the passage of Senate Bill 1202. I supported this bill with several reservations, because I knew that the Industry needed some form of immediate relief. I am concerned that the bill places for profit nursing homes and non-profit Continuing Care Retirement Communities together, without taking into account the vast differences represented by these different types of care facilities. The bill does improve staffing levels and pay, but I believe we could have done more to provide greater standards for quality of care. We should have also increased the Medicaid reimbursement, which would have allowed more increases in staffing, and improved the level of patient care. It believe that Congress needs to re-evaluate the long-term care compensation cuts that occurred in the 1997 Balanced Budget, which has contributed to the financial difficulties of our elder care homes. I look forward to working next session towards more improvements to enhance elderly care.

Rep. Joyce Cusack
District 26

Prime Sponsors

HB 1689—Arza

Cosponsors

HB 61—Spratt
HB 65—Hogan
CS/HB 79—Brummer, Fiorentino
CS/HB 147—Fiorentino
HB 159—Sobel
HB 251—Baker
CS/CS/HB 267—Lynn
CS/HJR 295—Cantens
HB 505—Bendross-Mindingall
HB 507—Bowen, Clarke
CS/HB 573—Cantens
HB 593—Fiorentino
CS/HB 987—Lynn
CS/CS/HB 1509—Lynn
HB 1669—Baker
HB 1689—Andrews, Attkisson, Ausley, Bennett, Bense, Bowen, Bullard, Clarke, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Farkas, Fiorentino, Flanagan, Garcia, Gardiner, Gelber, Gibson, Green, Greenstein, Haridopolos, Hart, Henriquez, Holloway, Jennings, Kallinger, Kilmer, Kottkamp, Kravitz, Kyle, Mack, Mahon, Meadows, Melvin, Miller, Murman, Needelman, Negron, Paul, Pickens, Richardson, Ritter, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Weissman, Wishner
HB 1811—Fiorentino
HB 1823—Fiorentino
HB 1845—Fiorentino
HR 9079—Bean, Harrell, Mack, Maygarden, McGriff, Stansel

Withdrawals as Cosponsor

CS/HB 135—Gottlieb

Introduction and Reference

By Representative Jennings—

HR 9085—A resolution honoring the memory of Stephen C. O'Connell.

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

By Representative Gibson—

HR 9087—A resolution recognizing the accomplishments of Florida's Hometown U.S.A. participants.

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

By Representative Alexander—

HR 9089—A resolution recognizing the efforts of Thomas B. Mack in compiling the Florida Citrus Archives.

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

By Representative Farkas—

HR 9091—A resolution designating the week of June 3-9, 2001, as "Chamber of Commerce Week" in Florida.

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

By Representative Fasano—

HR 9093—A resolution honoring Florida veterans.

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

By Representative McGriff—

HR 9095—A resolution recognizing the 25th anniversary of the College of Veterinary Medicine of the University of Florida.

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

By Representatives Miller, Johnson, Barreiro, Diaz de la Portilla, Bean, Hart, Bense, Russell, Haridopolos, Bennett, Ryan, Sobel, Gelber, Greenstein, Kosmas, Frankel, Mack, Paul, Garcia, Kendrick, Stansel, Benson, Hogan, Allen, Carassas, and Spratt—

HR 9097—A resolution commemorating the life of Dale Earnhardt and designating July 3, 2001, as "Dale Earnhardt Day" in Florida.

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

By Representative Baxley—

HR 9099—A resolution recognizing the Kiwanis for their teacher appreciation efforts.

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

By Representatives Goodlette and Frankel—

HR 9101—A resolution urging the continued protection of Florida's Gulf of Mexico coastline.

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

Reference

HB 1987—Referred to the Calendar of the House

First Reading of Council and Committee Substitutes by Publication

By the Committee on Health Regulation; Representative Justice—

CS/HB 813—A bill to be entitled An act relating to pharmacists; providing a short title; creating s. 465.0165, F.S.; defining the term "pharmaceutical adverse incident" and requiring that such incidents be reported to the Department of Health; providing that such incident reports are not discoverable or admissible in any civil or administrative action, except disciplinary proceedings; requiring the department to review reported incidents to determine if the incidents potentially involve conduct by a health care practitioner that is subject to disciplinary action; specifying that any disciplinary action shall be taken by the appropriate board; providing for the adoption of rules and forms; requiring the department to publish pharmaceutical adverse incident information on its website; providing exemptions from reporting requirements; providing contingent effective dates.

Reports of Councils and Standing Committees

Committee Reports

Received May 3:

The Committee on Health Regulation recommends a committee substitute for the following:
HB 813

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 813 was laid on the table.

Conference Committee Managers Excused

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

CS/SB 466 (public employment): Rep. Diaz-Balart, Chair; Reps. Brummer, Cantens, Kyle, and Seiler.

CS/SB 1118 (elections): Rep. Byrd, Chair; Reps. Goodlette, Rubio, and Smith.

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (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, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:30 p.m., to reconvene at 11:00 a.m., Friday, May 4.