



The Journal OF THE House of Representatives

Number 23

Tuesday, March 19, 2002

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

Prayer

The following prayer was offered by Pastor Jackie Hayes of Springhill Baptist Church of Fernandina Beach, upon invitation of Rep. Bean:

Our God and our Father, it is my great honor to stand before You today with these You have appointed to lead our great state of Florida. I give You thanks for this day, for our President, Mr. Bush, and I thank You today for our Governor, Jeb Bush, and all of these who fill this House this day. O God, we would be remiss if we did not pause to give You thanks for Your bountiful blessings on our nation and our great state of Florida.

I recognize this day that our greatness is not in our educational system, our military power, or our natural abilities. We are a great nation because we have honored You, and You, in turn, have blessed America.

Your Holy Word reminds us, blessed is the nation whose God is Jehovah. And from the earliest days of our existence that is what we have believed and we have sought to follow. And because of that, You have blessed us to be the great people we are today—a people who hurts when others hurt and a people who cares for others in need. O God, we pause this morning to thank You for Your great blessings upon our nation.

Your Holy Word also reminds us to pray for kings and all who are in authority, in order that we may lead a tranquil and quiet life in all godliness and dignity. That is what I do this day. I pray for every woman and every man present, that You would give to them life and health and wisdom as decisions are made. And that You would give to them the courage of their convictions so that they may lead our people in an honorable way. Bless this day and all You will bring our way is my prayer. Amen.

The following Members were recorded present:

Session Vote Sequence: 1005

The Chair	Baxley	Brutus	Diaz-Balart
Alexander	Bean	Bucher	Dockery
Allen	Bendross-Mindingall	Bullard	Evers
Andrews	Bennett	Byrd	Farkas
Argenziano	Bense	Cantens	Fasano
Arza	Benson	Carassas	Fields
Attkisson	Berfield	Clarke	Fiorentino
Atwater	Betancourt	Crow	Flanagan
Ausley	Bilirakis	Cusack	Frankel
Baker	Bowen	Davis	Gannon
Ball	Brown	Detert	Garcia
Barreiro	Brummer	Diaz de la Portilla	Gardiner

Gelber	Joyner	McGriff	Ryan
Gibson	Kallinger	Meadows	Seiler
Goodlette	Kendrick	Mealor	Simmons
Gottlieb	Kilmer	Melvin	Siplin
Green	Kosmas	Murman	Slosberg
Greenstein	Kottkamp	Needelman	Smith
Haridopolos	Kravitz	Negron	Sobel
Harper	Kyle	Paul	Sorensen
Harrell	Lacasa	Peterman	Spratt
Harrington	Lee	Pickens	Stansel
Hart	Lerner	Prieguez	Trovillion
Henriquez	Littlefield	Rich	Wallace
Heyman	Lynn	Richardson	Waters
Hogan	Machek	Ritter	Weissman
Holloway	Mack	Romeo	Wiles
Jennings	Mahon	Ross	Wilson
Johnson	Mayfield	Rubio	Wishner
Jordan	Maygarden	Russell	

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

A quorum was present.

Pledge

The Members, led by Anna Block of Tequesta, Robert Evan Bouchlas of Lake Worth, Thomas A. Castriota of New Port Richey, Christen M. Castriota of New Port Richey, and Reid A. Conner of Tampa pledged allegiance to the Flag. Anna Block served at the invitation of Rep. Bucher. Robert Evan Bouchlas served at the invitation of Rep. Andrews. Thomas A. Castriota served at the invitation of Rep. Fasano. Christen M. Castriota served at the invitation of the Speaker. Reid A. Conner served at the invitation of Rep. Hart.

House Physician

The Speaker introduced Dr. Leon "Skip" Beeler III of Kennedy Space Center, who served in the Clinic today upon invitation of Rep. Haridopolos.

Correction of the Journal

The *Journal* of March 18 was corrected and approved as follows: On page 2060, column 2, line 13 from the bottom, for HB 2027 insert: Referred to the Calendar of the House.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

Motion

On motion by Rep. Byrd, the privilege of the floor was granted to Albert H. Linden, Jr., James E. Sursely, and Dennis A. Joyner.

Recognition Ceremony for Disabled American Veterans

The regular order of business was suspended for a recognition ceremony.

The Chair recognized Speaker Feeney to approach the well where he recognized James E. Sursely, who was elected 2nd Junior Vice Commander of the million-member Disabled American Veterans organization at the 2001 convention held in Miami Beach.

Speaker Feeney recognized Dennis A. Joyner, who was named the Disabled American Veterans' outstanding veteran of the year in 1971, and who President Ronald Reagan named as the nation's Handicapped American of the Year.

Speaker Feeney then recognized Albert H. Linden, Jr., past National Commander of Disabled American Veterans in 1985-1986, who now serves, by appointment of the Governor, as a commissioner for the Florida Department of Veterans' Affairs.

In closing, Speaker Feeney recognized Charlie Price and all the members of various veterans groups throughout Florida.

THE SPEAKER IN THE CHAIR

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney
Speaker, House of Representatives

March 18, 2002

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, March 19, 2002. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
 - CS/SB 100—Mitchell
Transportation Disadvantaged
 - HB 123—Baxley
Excise Tax on Documents

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

Respectfully submitted,
Johnnie B. Byrd, Jr.
Chair

On motion by Rep. Byrd, the rules were waived and **HR 9097** and **HR 9089** were added to the Special Order Calendar.

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

Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1645 was withdrawn from the Fiscal Responsibility Council and the Procedural & Redistricting Council and placed on the Calendar of the House.

On motion by Rep. Goodlette, without objection, HB 1645 was added to the beginning of the Special Order Calendar.

Special Orders

Special Order Calendar

HB 1645—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the term "alternative formats" for purposes of the Florida Election Code; creating s. 97.026, F.S.; requiring that certain forms used under the code be made available in alternative formats; requiring the Secretary of State to make such forms available via the

Internet if possible; creating s. 97.1035, F.S.; requiring certain elections staff to have and be trained in the use of a TTY/TDD device; requiring the supervisors of elections to certify such training to the Secretary of State; amending s. 98.065, F.S.; requiring that the maintenance of voter registration records be nondiscriminatory with respect to persons having a disability; creating s. 98.122, F.S.; requiring candidates, political parties, and political committees to use closed captioning and descriptive narrative in all television broadcasts; requiring the Department of State to adopt rules establishing penalties for noncompliance; amending ss. 100.361 and 100.371, F.S.; requiring that a recall petition, a constitutional amendment proposed by initiative, and other papers and forms be available in alternative formats; amending s. 101.001, F.S.; requiring that entrances, polling areas, paths of travel, and exits be accessible to persons having a disability; amending s. 101.017, F.S.; requiring that the Bureau of Voting Systems Certification cooperate and consult with the Disability Advisory Council; creating s. 101.018, F.S.; creating the Disability Advisory Council within the Department of State; providing for membership of the council; specifying duties of the council; providing for terms of office; providing that council members are entitled to reimbursement for per diem and travel expenses; providing for meetings of the council; amending s. 101.031, F.S.; providing that a voter has the right to vote on a voting system that is accessible to all voters, regardless of disability; repealing s. 101.051(4) and (5), F.S., relating to an oath required from an elector requesting assistance in voting; amending ss. 97.061 and 101.655, F.S.; removing references to the oath, to conform; repealing s. 104.031, F.S., relating to the crime of false declaration to secure assistance in preparing ballot, to conform; amending s. 101.51, F.S.; abolishing limitations on the length of time a voter is allowed to occupy a voting booth or compartment; creating s. 101.56062, F.S.; providing standards for accessible voting systems; prohibiting the use of state or federal funds for a voting system or system components that do not meet the accessibility standards; requiring that a county or municipality purchase or lease equipment to comply with accessibility requirements; providing legislative intent with respect to meeting or exceeding minimum federal requirements for voting systems and accessibility of polling places; creating s. 101.662, F.S.; requiring the Department of State to adopt procedures to allow absentee ballots in alternative formats; amending s. 101.71, F.S.; authorizing supervisors of elections to move a polling place that does not comply with requirements for accessibility; amending s. 101.715, F.S.; requiring that all polling places be accessible by persons having a disability; providing for standards that are required at each polling place; requiring the supervisors of elections to survey polling places; providing that a resident has standing to sue the board of county commissioners to require that a polling place comply with accessibility requirements; requiring the Department of State to adopt rules imposing penalties on counties that fail to correct deficiencies in accessibility; providing for exemptions; amending s. 102.014, F.S.; requiring the Department of State to develop a training program for poll workers concerning voters having a disability; providing requirements for the program; requiring supervisors of elections to certify completion of the program by poll workers; amending s. 104.20, F.S., relating to penalties imposed against an elector for remaining in a voting booth longer than the specified time; conforming provisions to changes made by the act; amending s. 125.01, F.S., relating to powers of the governing body of a county; conforming a cross reference to changes made by the act; providing effective dates.

—was read the second time by title.

Representative(s) Crow and Lacasa offered the following:

(Amendment Bar Code: 372409)

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

and insert:

Section 1. Subsections (2) through (31) of section 97.021, Florida Statutes, as amended by section 2 of chapter 2001-40, Laws of Florida, are renumbered as subsections (3) through (32), respectively, present subsections (32) and (33) of that section are renumbered as subsections (34) and (35), respectively, present subsections (34) through (36) of that

section are renumbered as subsections (37) through (38), respectively, and new subsections (2), (33), and (36) are added to that section to read:

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

(2) *“Alternative formats” has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.*

(33) *“Tactile input device” means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).*

(36) *“Voter interface device” means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.*

Section 2. Section 97.026, Florida Statutes, is created to read:

97.026 *Forms to be available in alternative formats and via the Internet.—All forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.055, 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.*

Section 3. Subsection (1) of section 98.065, Florida Statutes, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. *As used in this subsection, the term “nondiscriminatory” applies to and includes persons with disabilities.*

Section 4. Section 98.122, Florida Statutes, is created to read:

98.122 *Use of closed captioning and descriptive narrative in all television broadcasts.—Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission. The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.*

Section 5. Paragraphs (a) and (d) of subsection (1) of section 100.361, Florida Statutes, are amended to read:

100.361 Municipal recall.—

(1) **RECALL PETITION.**—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as “municipality,” may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the

municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term “district” shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office by the following procedure:

(a) A petition shall be prepared naming the person sought to be recalled and containing a statement of grounds for recall in not more than 200 words limited solely to the grounds specified in paragraph (b). If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled. *Upon request, the content of a petition should be, but is not required to be, provided by the proponent in alternative formats.*

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

Electors of the municipality or district making charges contained in the statement of grounds for recall and those signing the recall petition shall be designated as the “committee.” A specific person shall be designated in the petition as chair of the committee to act for the committee. Electors of the municipality or district are eligible to sign the petition. Signatures and oaths of witnesses shall be executed as provided in paragraph (c). All signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date the first signature is obtained on the petition.

(d) The petition shall be filed with the auditor or clerk of the municipality or charter county, or his or her equivalent, hereinafter referred to as clerk, by the person designated as chair of the committee, and, when the petition is filed, the clerk shall submit such petition to the county supervisor of elections who shall, within a period of not more than 30 days after the petition is filed with the supervisor, determine whether the petition contains the required valid signatures. The petition cannot be amended after it is filed with the clerk. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked. *Upon filing with the clerk, the petition and all subsequent papers or forms required or permitted to be filed with the clerk in connection with this section must, upon request, be made available in alternative formats.*

Section 6. Subsection (3) of section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt promulgate rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

Section 7. Subsection (4) of section 101.051, Florida Statutes, is amended to read:

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.—

(4) If an elector needs assistance in voting pursuant to the provisions of this section, the clerk or one of the inspectors shall require the elector requesting assistance in voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida
County of
Date
Precinct

I, . . . (Print name). . . , swear or affirm that I am a registered elector and request assistance from . . . (Print names). . . in voting at the . . . (name of election). . . held on . . . (date of election). . . for the following reason

. . . (Signature of voter). . .
Sworn and subscribed to before me this day of , . . . (year). . .
. . . (Signature of Official Administering Oath). . .

Section 8. Section 101.51, Florida Statutes, is amended to read:

101.51 Electors to occupy booth alone; time allowed.—

(1) When the elector presents himself or herself to vote, the election official shall ascertain whether the elector's name is upon the register of electors, and, if the elector's name appears and no challenge interposes, or, if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him or her to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An Ne elector, while casting his or her ballot, may not shall occupy a booth or compartment longer than 5 minutes or be allowed to occupy a booth or compartment already occupied or to speak with anyone, except as provided by s. 101.051, while in the polling place.

(2) If an elector requires longer than 5 minutes, then upon a sufficient reason he or she may be granted a longer period of time by the election officials in charge. After casting his or her vote, the elector shall at once leave the polling room by the exit opening and shall not be permitted to reenter on any pretext whatever. After the elector has voted, or declined or failed to vote within 5 minutes, he or she shall immediately withdraw from the polling place. If the elector refuses to leave after the lapse of 5 minutes, he or she shall be removed by the election officials.

Section 9. Effective upon this act becoming a law, section 101.56062, Florida Statutes, is created to read:

101.56062 Standards for accessible voting systems.—

(1) Notwithstanding anything in this chapter to the contrary, after November 30, 2002, each voting system certified by the Department of State for use in local, state, and federal elections must include the

capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

(a) The voting system must provide a tactile input or audio input device, or both.

(b) The voting system must provide a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonably phonetically accurate.

(c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernable tactilely without actuating the keys.

(d) Audio and visual access approaches must be able to work both separately and simultaneously.

(e) If a nonaudio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.

(f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.

(g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, by handset or headset, in enhanced auditory fashion (increased amplification), and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.

(h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.

(i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is replaced, but not before. Also, universal precautions in the use and sharing of headsets should be followed.

(j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.

(k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.

(l) The force required to operate or activate the controls must be no greater than 5 pounds of force.

(m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.

(n) Any audio ballot must provide the voter with the following functionalities:

1. After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.

2. The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.

3. *The voter must be able to determine how many candidates may be selected in each race.*

4. *The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.*

5. *The voter must be able to review the candidate selections that he or she has made.*

6. *Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.*

7. *The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.*

8. *The system must prevent the voter from overvoting any race.*

9. *The voter must be able to input a candidate's name in each race that allows a write-in candidate.*

10. *The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.*

11. *There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.*

12. *Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.*

13. *Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.*

(2) *For contracts entered into after November 30, 2002, state or federal funds may not be used by any county or municipality to purchase voting systems or voting system components that do not meet the accessibility standards established by this section for use beginning in the 2004 election cycle.*

(3) *A voting system that was certified before the effective date of this section is not decertified. However, any voting system used in any local, state, or federal election after September 1, 2004, must have at least one accessible voter interface device installed in each precinct which meets the requirements of this section, except for paragraph (1)(d).*

(4) *The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.*

Section 10. *It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility. This section shall take effect upon this act becoming a law.*

Section 11. Section 101.662, Florida Statutes, is created to read:

101.662 *Accessibility of absentee ballots.—It is the intent of the Legislature that voting by absentee ballot be by methods that are fully accessible to all voters, including voters having a disability. The Department of State shall work with the supervisors of elections and the disability community to develop and implement procedures and technologies, as possible, which will include procedures for providing absentee ballots, upon request, in alternative formats that will allow all voters to cast a secret, independent, and verifiable absentee ballot without the assistance of another person.*

Section 12. Effective July 1, 2004, subsection (2) of section 101.71, Florida Statutes, as amended by section 25 of chapter 2001-40, Laws of Florida, is amended to read:

101.71 *Polling place.—*

(2) *Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable, or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of s. 101.715, the supervisor shall ~~may provide~~, not less than 30 days prior to the holding of an election, provide for that the voting place for such precinct to ~~shall~~ be moved to another site ~~that is which shall be~~ accessible to the public on election day in said precinct or, if such is not available, to another site ~~that is which shall be~~ accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.*

Section 13. Effective July 1, 2004, section 101.715, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 101.715, F.S., for present text.)

101.715 *Accessibility of polling places for people having a disability.—*

(1) *All polling places must be accessible and usable by people with disabilities, as provided in this section.*

(2) *Only those polling places complying with the Florida Americans With Disabilities Accessibility Implementation Act, ss. 553.501-553.513, for all portions of the polling place or the structure in which it is located that voters traverse going to and from the polling place and during the voting process, regardless of the age or function of the building, shall be used for federal, state, and local elections.*

(3) *The selection of a polling site must ensure accessibility with respect to the following accessible elements, spaces, scope, and technical requirements: accessible route, space allowance and reach ranges, protruding objects, ground and floor surfaces, parking and passenger loading zones, curb ramps, ramps, stairs, elevators, platform lifts, doors, entrances, path of egress, controls and operating mechanisms, signage, and all other minimum requirements.*

(4) *Standards required at each polling place, regardless of the age of the building or function of the building, include:*

(a) *For polling places that provide parking spaces for voters, one or more signed accessible parking spaces for disabled persons.*

(b) *Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.*

(c) *An unobstructed path of travel to the polling place.*

(d) *Level, firm, stable, and slip-resistant surfaces.*

(e) *An unobstructed area for voting.*

(f) *Sufficient lighting along the accessible path of travel and within the polling place.*

(5) Upon request, all ballots, instructions, and printed materials at each polling place must also be available in alternative formats.

(6) The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

Section 14. (1) By September 1, 2003, each polling place in a county should be surveyed by the supervisor of elections of that county for the purpose of determining accessibility under the standards to be adopted pursuant to s. 101.715, Florida Statutes, on July 1, 2004, using a survey developed by rule of the Department of State.

(2) The results of this survey shall be presented by the Division of Elections by December 1, 2003, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must note any polling places that will not meet the accessibility standards to be adopted on July 1, 2004, and shall state the specific reasons why those polling places may not be brought into compliance by that date. For each polling place that may not be brought into compliance by that date, the supervisor of elections must certify that fact to the Division of Elections and shall be granted a variance for that polling place until the primary and general elections in 2006.

Section 15. Effective November 30, 2002, subsection (7) is added to section 102.014, Florida Statutes, to read:

102.014 Poll worker recruitment and training.—

(7) The Department of State shall develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability. The program must consist of approximately 1 hour of the required number of hours set forth in paragraph (4)(a). The program must be conducted locally by each supervisor of elections, who shall periodically certify to the Department of State whether each poll worker has completed the program. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

Section 16. Section 104.20, Florida Statutes, is amended to read:

104.20 Ballot not to be seen, and other offenses.—Any elector who, except as provided by law, allows his or her ballot to be seen by any person; takes or removes, or attempts to take or remove, any ballot from the polling place before the close of the polls; places any mark on his or her ballot by which it may be identified; ~~remains longer than the specified time allowed by law in the booth or compartment after having been notified that his or her time has expired;~~ endeavors to induce any elector to show how he or she voted; aids or attempts to aid any elector unlawfully; or prints or procures to be printed, or has in his or her possession, any copies of any ballot prepared to be voted is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021(10) ~~§. 97.021(9)~~,

associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 18. The Department of State may apply for federal funds to be used as reimbursement to counties for the cost of eligible purchases made pursuant to this act.

Section 19. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2002.

And the title is amended as follows:

remove everything before the enacting clause

and insert: A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “alternative formats,” “tactile input device,” and “voter interface device” for purposes of the Florida Election Code; creating s. 97.026, F.S.; requiring that certain forms used under the code be made available in alternative formats; requiring the Department of State to make such forms available via the Internet if possible; amending s. 98.065, F.S.; requiring that the maintenance of voter registration records be nondiscriminatory with respect to persons having a disability; creating s. 98.122, F.S.; requiring candidates, political parties, and political committees to use closed captioning and descriptive narrative in all television broadcasts; providing that failing to file a statement of reasons for failing to do so is a violation of the code, for which there are penalties; authorizing the Department of State to adopt rules; amending ss. 100.361, 100.371, F.S.; suggesting that a recall petition be available in alternative formats; requiring a constitutional amendment proposed by initiative and other papers and forms be available in alternative formats; amending s. 101.051, F.S.; eliminating a requirement that an elector give a reason under oath for requesting assistance in voting; amending s. 101.51, F.S.; abolishing limitations on the length of time a voter is allowed to occupy a voting booth or compartment; creating s. 101.56062, F.S.; providing standards for accessible voting systems; prohibiting the use of state or federal funds for a voting system or system components that do not meet the accessibility standards; requiring any voting system used after a specified date to have at least one accessible voter interface device installed in each precinct; authorizing the Department of State to adopt rules; providing legislative intent with respect to meeting or exceeding minimum federal requirements for voting systems and accessibility of polling places; creating s. 101.662, F.S.; authorizing the Department of State to work with certain parties to develop procedures to allow absentee ballots to be cast in alternative formats; amending s. 101.71, F.S.; authorizing supervisors of elections to move a polling place that does not comply with requirements for accessibility; amending s. 101.715, F.S.; requiring that all polling places be accessible by persons having a disability; providing for standards that are required at each polling place; authorizing the Department of State to adopt rules; requiring the supervisors of elections to survey polling places for accessibility by a specified date; providing for a report of survey results to the Governor and Legislature; allowing for variance until a certain time; amending s. 102.014, F.S.; requiring the Department of State to develop a training program for poll workers concerning voters having a disability; providing requirements for the program; requiring supervisors of elections to certify completion of the program by poll workers; amending s. 104.20, F.S., relating to penalties imposed against an elector for remaining in a voting booth longer than the specified time; conforming provisions to changes made by the act; amending s. 125.01, F.S., relating to powers of the governing body of a county; conforming a cross-reference to changes made by the act; authorizing the Department of State to apply for federal funds to be used as reimbursement to counties for the cost of eligible purchases made pursuant to this act; providing effective dates.

Rep. Crow moved the adoption of the amendment.

REPRESENTATIVE MELVIN IN THE CHAIR

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

On motion by Rep. Crow, the rules were waived and HB 1645, as amended, was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of HB 1645. The vote was:

Session Vote Sequence: 1006

Yeas—116

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

Nays—2

Bucher	Smith
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Votes after roll call:

Yeas—Justice

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

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

HR 9089—A resolution commending Jarvarious Jones and Oscar Carter.

WHEREAS, February 13, 2002, was just an ordinary day for Jarvarious Jones and Oscar Carter when the two friends met at the bus stop on their way to school that morning, and

WHEREAS, alert and observant, the 13-year-old Greco Middle School students succumbed to curiosity aroused by the sight of a plastic bag lying on the ground near them and, looking inside, were astounded to discover five envelopes, each stuffed with \$100 bills, and

WHEREAS, although each boy has since admitted to entertaining thoughts of purchases that could be made by such an obviously huge, yet at that time undetermined, amount of money, by the time they reached the school grounds the boys knew what they had to do, because, as Jarvarious explained, “my mom brought me up to be honest,” and their decision led them to the office of an astonished Patricia Cooper, their assistant principal, who counted the bills and found them to total \$4,000, and

WHEREAS, as news of the boys’ actions spread, Jarvarious and Oscar were featured on CNN, received invitations, tributes, and honors, including those extended by the Hillsborough County School Board and the state attorney, took a telephone call from Governor Jeb Bush, and found themselves inundated with praise and congratulations as gifts and contributions began to pour in from all over the country, and

WHEREAS, February 13, 2002, was just an ordinary day for Jarvarious Jones and Oscar Carter until the deeds of these extraordinary boys caught the attention of an admiring nation and became a splendid example of integrity and honesty that could well be emulated in the lives of young people and adults alike, NOW, THEREFORE,

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

That the House of Representatives proudly recognizes Jarvarious Jones and Oscar Carter, commends them for their outstanding behavior in the face of intense pressure to ignore their upbringing, and lifts them up as an example of integrity and honesty more than worthy of imitation by all.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Jarvarious Jones and to Oscar Carter as a tangible token of the sentiments expressed herein.

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

On motion by Rep. Goodlette, the House moved to the consideration of CS for SB 100 on Special Orders.

CS for SB 100—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; revising fees for the registration of certain trucks, trailers, and motorcycles and for tag transfers to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was read the second time by title.

Representative(s) Greenstein, Brummer, Kallinger, Simmons, Attkisson, and Mealor offered the following:

(Amendment Bar Code: 212749)

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

and insert:

Section 1. Subsection (7) is added to section 343.64, Florida Statutes, to read:

343.64 Powers and duties.—

(7) *Notwithstanding any other provision to the contrary, the authority may not act as the community transportation coordinator for the transportation disadvantaged program pursuant to part I of chapter 427, and any past appointment of the authority shall be void effective July 1, 2002.*

Section 2. *Funding for the transportation disadvantaged shall be provided for in line item 2102 of the General Appropriations Act.*

Section 3. This act shall take effect October 1, 2002.

And the title is amended as follows:

remove: the entire title

and insert: A bill to be entitled An act relating to the transportation disadvantaged; amending s. 343.64, F.S.; prohibiting the Central Florida Regional Transportation Authority from acting as the community transportation coordinator for the transportation disadvantaged; providing reference to funding for the transportation disadvantaged; providing an effective date.

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

On motion by Rep. Greenstein, the rules were waived and CS for SB 100, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1007

Yeas—118

The Chair	Clarke	Heyman	Paul
Alexander	Crow	Hogan	Peterman
Allen	Cusack	Holloway	Pickens
Andrews	Davis	Jennings	Prieguez
Argenziano	Detert	Jordan	Rich
Arza	Diaz de la Portilla	Joyner	Richardson
Attkisson	Diaz-Balart	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Evers	Kilmer	Ross
Baker	Farkas	Kosmas	Rubio
Ball	Fasano	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	Maygarden	Wallace
Brummer	Greenstein	McGriff	Waters
Brutus	Haridopolos	Meadows	Weissman
Bucher	Harper	Mealor	Wiles
Bullard	Harrell	Melvin	Wilson
Byrd	Harrington	Murman	Wishner
Cantens	Hart	Needelman	
Carassas	Henriquez	Negron	

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 123 was taken up having been read the third time on March 7; now pending roll call. On motion by Rep. Baxley, the rules were waived and—

CS for SB 462—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; providing an effective date.

—was substituted for HB 123 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Alexander, Dockery, Spratt, and Bowen offered the following:

(Amendment Bar Code: 341777)

Amendment 1 (with title amendment)—On page 4 of the bill, between lines 29 & 30,

insert:

Section 2. Subsection (5) of section 601.155, Florida Statutes, is amended to read:

601.155 Equalizing excise tax; credit; exemption.—

(5) All Products ~~made subject to the taxable privileges under this section, which products are produced~~ in whole or in part from citrus fruit

~~on which an equivalent tax is levied pursuant to s. 601.15 grown within the United States, are exempt from the tax imposed by this section to the extent that the products are derived from oranges or grapefruit grown within the United States.~~ In the case of products made in part from citrus fruit ~~exempt from the tax imposed by this section grown within the United States,~~ it shall be the burden of the persons liable for the excise tax to show the Department of Citrus, through competent evidence, proof of that part which is not subject to a taxable privilege.

And the title is amended as follows:

On page 1, line 6,
remove all of said lines

and insert: amending s. 601.155, F.S.; revising an exemption from an equalizing excise tax on products made from certain citrus fruit; providing an effective date.

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

On motion by Rep. Baxley, the rules were waived and CS for SB 462, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1008

Yeas—117

The Chair	Crow	Hogan	Peterman
Alexander	Cusack	Holloway	Pickens
Allen	Davis	Jennings	Prieguez
Andrews	Detert	Johnson	Rich
Argenziano	Diaz de la Portilla	Jordan	Richardson
Arza	Diaz-Balart	Joyner	Ritter
Attkisson	Dockery	Kallinger	Romeo
Atwater	Evers	Kendrick	Ross
Ausley	Farkas	Kilmer	Rubio
Baker	Fasano	Kosmas	Russell
Ball	Fields	Kottkamp	Ryan
Baxley	Fiorentino	Kravitz	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	Maygarden	Wallace
Brummer	Greenstein	McGriff	Waters
Brutus	Haridopolos	Meadows	Weissman
Bucher	Harper	Mealor	Wiles
Bullard	Harrell	Melvin	Wilson
Byrd	Harrington	Murman	Wishner
Cantens	Hart	Needelman	
Carassas	Henriquez	Negron	
Clarke	Heyman	Paul	

Nays—None

Votes after roll call:

Yeas—Justice

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

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

Bills and Joint Resolutions on Third Reading

I. Bills for Consideration at 10:00 a.m.

CS/HB 1129—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.207, F.S.; requiring

the commission to report certain information each year to the President of the Senate and the Speaker of the House of Representatives; amending s. 447.305, F.S.; revising required information in applications for registration; specifying a uniform date for registrations; requiring additional information in applications for registration; specifying conditions for denial or revocation of registration by employee organizations; providing for denial of registration under certain circumstances; authorizing the commission to impose fines under certain circumstances; providing for appeal or dispute of such fines; providing for hearings before the commission; authorizing the commission to waive such fines under certain circumstances; revising a prescribed registration fee; providing for retention by the commission of certain funds; requiring the commission to be the custodian of certain records; requiring public access to such records; providing an exception; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the passage of CS/HB 1129. The vote was:

Session Vote Sequence: 1009

Yeas—84

The Chair	Byrd	Green	Mayfield
Alexander	Cantens	Greenstein	Maygarden
Allen	Carassas	Haridopolos	McGriff
Andrews	Clarke	Harrell	Mealor
Argenziano	Crow	Harrington	Melvin
Attkisson	Davis	Hart	Murman
Atwater	Detert	Hogan	Needelman
Baker	Diaz de la Portilla	Holloway	Negron
Baxley	Diaz-Balart	Jennings	Paul
Bean	Dockery	Johnson	Pickens
Bennett	Evers	Jordan	Prieguez
Bense	Farkas	Kallinger	Ross
Benson	Fasano	Kendrick	Rubio
Berfield	Feeney	Kilmer	Russell
Betancourt	Fiorentino	Kottkamp	Simmons
Bilirakis	Flanagan	Kravitz	Sorensen
Bowen	Garcia	Lacasa	Spratt
Brown	Gardiner	Littlefield	Stansel
Brummer	Gibson	Lynn	Trovillion
Brutus	Goodlette	Mack	Wallace
Bullard	Gottlieb	Mahon	Waters

Nays—29

Arza	Harper	Meadows	Siplin
Ausley	Henriquez	Peterman	Smith
Bendross-Mindingall	Heyman	Rich	Weissman
Bucher	Joyner	Richardson	Wiles
Cusack	Kosmas	Ritter	Wishner
Fields	Lee	Romeo	
Gannon	Lerner	Ryan	
Gelber	Machek	Seiler	

Votes after roll call:

Nays—Frankel, Sobel

Yeas to Nays—Bullard, Gottlieb, Holloway

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

HJR 1981—A joint resolution proposing an amendment to Section 12 of Article V and the creation of Section 26 of Article XII of the State Constitution relating to the Judicial Qualifications Commission.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 12 of Article V and the creation of Section 26 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE V
JUDICIARY

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public. *Upon a finding of no probable cause, the records and proceedings shall be public unless exempted by general law.*

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

~~(f) SCHEDULE TO SECTION 12.—~~

~~(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.~~

~~(2) After this section becomes effective and until adopted by rule of the commission consistent with it:~~

~~a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.~~

~~b. The investigative panel shall be composed of:~~

~~1. Four judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Three non-lawyers.~~

~~e. The hearing panel shall be composed of:~~

~~1. Two judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Two non-lawyers.~~

~~d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.~~

~~e. The commission shall hire separate staff for each panel.~~

~~f. The members of the commission shall serve for staggered terms of six years.~~

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II.—The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III.—The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

~~h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.~~

~~i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.~~

~~j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.~~

~~k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.~~

ARTICLE XII
SCHEDULE

Section 26. Judicial qualifications commission public records.—The amendment to Section 12(a)(4) of Article V relating to public records and proceedings of the judicial qualifications commission shall take effect July 1, 2003.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

JUDICIAL QUALIFICATIONS
COMMISSION PROCEEDINGS AND RECORDS

Proposes to make all records and proceedings of the Judicial Qualifications Commission public upon a finding of no probable cause, effective July 1, 2003, unless exempted by general law. Proposes to

delete the schedule provisions of Article V, Section 12, which provide a temporary schedule of the organization of the commission.

—was read the third time by title.

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1010].

The question recurred on the passage of HJR 1981. The vote was:

Session Vote Sequence: 1011

Yeas—79

The Chair	Clarke	Hart	Melvin
Allen	Crow	Hogan	Murman
Andrews	Cusack	Johnson	Needelman
Argenziano	Davis	Jordan	Negron
Arza	Detert	Kallinger	Paul
Baker	Evers	Kilmer	Peterman
Barreiro	Farkas	Kottkamp	Pickens
Baxley	Fasano	Kravitz	Prieguez
Bean	Feeney	Kyle	Rich
Bennett	Fields	Lacasa	Romeo
Bense	Fiorentino	Lerner	Rubio
Benson	Flanagan	Littlefield	Russell
Berfield	Garcia	Lynn	Simmons
Bilirakis	Gardiner	Mack	Sorensen
Bowen	Gibson	Mahon	Spratt
Brown	Goodlette	Mayfield	Trovillion
Brummer	Green	Maygarden	Wallace
Brutus	Haridopolos	McGriff	Waters
Byrd	Harrell	Meadows	Wiles
Carassas	Harrington	Mealor	

Nays—33

Ausley	Gottlieb	Lee	Smith
Bendross-Mindingall	Greenstein	Machek	Sobel
Betancourt	Henriquez	Richardson	Stansel
Bucher	Heyman	Ritter	Weissman
Bullard	Holloway	Ross	Wilson
Dockery	Jennings	Ryan	Wishner
Frankel	Joyner	Seiler	
Gannon	Kendrick	Siplin	
Gelber	Kosmas	Slosberg	

Votes after roll call:

Yeas—Attkisson, Atwater, Diaz de la Portilla

Nays—Harper

Nays to Yeas—Frankel

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS/HB 807—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; including reference to the Chief Deputy Court Administrator with respect to compulsory membership in the Senior Management Service Class; amending s. 121.052, F.S.; revising the membership requirements of the Elected Officers' Class of the system to include certain sheriffs and clerks of the circuit court; amending s. 121.091, F.S.; revising language with respect to reemployment of certain retired members of the Florida Retirement System; amending s. 121.0515, F.S.; revising language with respect to special risk membership in the system; including certain periods of service in special risk; amending s. 121.055, F.S.; allowing an elected state attorney or public defender to upgrade retirement credit for service as an assistant state attorney or assistant public defender; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.0515, F.S.; permitting certain special risk members to upgrade service related to fire prevention and firefighter training

duties; providing legislative intent; amending ss. 121.052, 121.055, and 121.071, F.S.; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; updating definitions; establishing dates on which present value calculations are based; conforming election provisions for local government employees to provisions applicable to other employees; providing for the effective date of enrollment for certain employers; providing for the transfer of contributions in certain circumstances; transferring certain provisions relating to payment of benefits to s. 121.591, F.S., as created in the act; amending s. 121.571, F.S., relating to employer contributions to the Public Employee Optional Retirement Program; adjusting rates; making the date for payment of retirement contributions consistent under the Florida Retirement System defined benefit and defined contribution programs; creating s. 121.591, F.S., relating to benefits payable under the Public Employee Optional Retirement Program; providing for payment of the normal benefit upon termination; providing for disability retirement benefits; providing for transfer of certain funds; specifying eligibility requirements; providing procedure and required documentation; providing for computation of the disability benefit; providing for reapplication; providing for membership; providing an option to cancel; providing for reexamination and other matters relating to recovery from disability; providing nonadmissible causes of disability; providing for disability retirement of justices or judges; providing for payment of death benefits; providing for spousal notification in certain cases; updating death benefit distribution provisions to conform to recent changes in federal law; providing protection of benefits from assignment, execution, etc.; amending s. 110.123, F.S.; revising language with respect to the state group insurance program; revising a definition; deleting language with respect to participation in the plan by retirees; amending s. 110.205, F.S.; granting Senior Management Service benefits to county health department directors and administrators; amending s. 121.35, F.S.; allowing rollovers into the optional retirement programs; expanding the methods of disbursement of benefits; providing a declaration of important state interest; providing an effective date.

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

Session Vote Sequence: 1012

Yeas—113

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

Waters Wiles Wilson Wishner
Weissman

Nays—None

Votes after roll call:

Yeas—Atwater, Diaz de la Portilla, Gottlieb, Green, Harper, Justice

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

HB 1977—A bill to be entitled An act relating to state procurement; amending s. 61.1826, F.S.; conforming a cross reference to changes made by this act; amending s. 120.57, F.S.; specifying the manner in which notice of decisions and intended decisions concerning procurement are to be provided; defining the term “electronically post”; providing procedures applicable to a protest of a contract solicitation or award; specifying the type of notice that starts the time for filing a notice of protest; providing that state holidays are not included in the time for filing a notice of protest; specifying the types of submissions that may be considered in a protest; clarifying and conforming provisions; amending ss. 283.32, 283.33, 283.34, and 283.35, F.S.; conforming the sections to changes made by the act; conforming a cross reference; amending s. 287.001, F.S.; clarifying legislative intent with respect to state procurement; amending s. 287.012, F.S.; revising definitions; defining additional terms; amending s. 287.017, F.S.; eliminating the requirement for annual adjustments of purchasing categories; amending 287.022, F.S.; conforming a cross reference to changes made by the act; amending ss. 287.032 and 287.042, F.S.; revising the purpose, duties, and functions of the Department of Management Services; clarifying and conforming provisions; providing procedures for the listing of commodities and services offered by certain nonprofit agencies organized pursuant to ch. 413, F.S.; providing that eligible users may purchase from state term contracts; providing that the protest bond amount shall be a specified percentage of the estimated contract amount; providing that official bank checks may be accepted in lieu of a bond; requiring the department to develop procedures for issuing solicitations, requests for information, and requests for quotes; prescribing the manner in which solicitations are to be noticed; providing an exception for the 10-day notice requirement for solicitations; requiring the department to develop procedures for electronic posting; requiring the department to develop methods for conducting question-and-answer sessions regarding solicitations; providing that the Office of Supplier Diversity may consult with the department regarding solicitation distribution procedures; providing that rules may be distributed to agencies via an electronic medium; requiring written documentation of certain agency decisions; eliminating the department’s responsibilities for the management of state surplus property; amending s. 287.045, F.S., relating to the procurement of products and materials with recycled content; clarifying and conforming provisions; amending s. 287.056, F.S.; specifying entities that are required or permitted to purchase from purchasing agreements and state term contracts; providing for use of a request for quote to obtain pricing or services information; amending s. 287.057, F.S.; clarifying and conforming provisions; revising requirements for solicitations; providing for question-and-answer sessions regarding solicitations; providing requirements for emergency procurements; providing that agency purchases from certain existing contracts are exempt from competitive-solicitation requirements; providing requirements for single-source procurement; conforming cross references to changes made by the act; providing requirements for contract renewal; clarifying that exceptional purchase contracts may not be renewed; providing requirements for persons appointed to evaluate proposals and replies and to negotiate contracts; prohibiting certain persons or entities from receiving contracts; specifying the entities responsible for developing an on-line procurement system; amending s. 287.0572, F.S.; clarifying and conforming provisions; requiring that the cost of all state contracts be evaluated by present-value methodology; amending s. 287.058, F.S.; revising provisions relating to renewal which must be contained in a contract; clarifying that exceptional purchase contracts may not be renewed; conforming cross references to changes made by the act; amending s. 287.059, F.S.; clarifying and conforming provisions; amending s. 287.0595, F.S.;

revising requirements for the Department of Environmental Protection with respect to contracts for pollution response; clarifying and conforming provisions; repealing s. 287.073, F.S., relating to the procurement of information technology resources; amending s. 287.0731, F.S.; revising requirements for a team for contract negotiations; amending ss. 287.0822, 287.084, 287.087, 287.093, and 287.09451, F.S., relating to procurement of beef and pork, preference for state businesses and businesses with drug-free-workplace programs, minority business enterprises, and the Office of Supplier Diversity; clarifying and conforming provisions to changes made by the act; amending s. 297.095, F.S.; providing requirements for certain products produced by a certain corporation; providing an exception; repealing s. 287.121, F.S., relating to assistance by the Department of Legal Affairs; amending ss. 287.133 and 287.134, F.S., relating to prohibitions on the transaction of business with certain entities convicted of public-entity crimes and entities that have engaged in discrimination; clarifying and conforming provisions; amending s. 287.1345, F.S., relating to the surcharge on users of state term contracts; authorizing the Department of Management Services to collect surcharges from eligible users; amending s. 373.610, F.S.; clarifying that the provision applies to contractors; amending s. 373.611, F.S.; providing that water management districts may contract to limit damages recoverable from certain entities during procurement; amending ss. 394.457, 394.47865, 402.73, 408.045, 445.024 and 455.2177, F.S., relating to the power to contract by the Department of Children and Family Services, the Agency for Health Care Administration, the Regional Work Force Boards, and the Department of Business and Professional Regulation and their power to privatize and procure; conforming cross references; clarifying and conforming provisions; amending s. 413.033, F.S.; revising a definition; amending s. 413.035, F.S.; providing content requirements for certain products; amending s. 413.036, F.S.; providing that ch. 287, F.S., does not apply to purchases made from certain nonprofit agencies; specifying provisions required to be contained in certain state procurement contracts; limiting purchases of products or services by state agencies from sources other than the nonprofit agency for the blind or severely handicapped under certain circumstances; amending s. 413.037, F.S., to conform; repealing s. 413.034, F.S., relating to the Commission for Purchase from the Blind or Other Severely Handicapped; providing an effective date.

—was read the third time by title.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 171381)

Amendment 2—In the title, on page 4, line 20, remove: 297.095

and insert: 287.095

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 102731)

Amendment 3—On page 26, line 29, remove: all of said line,

and insert: *charges that are adjudged against the*

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 520881)

Amendment 4—On page 27, lines 10 and 11, remove: all of said lines,

and insert: Upon payment of such costs and charges by the *protestor person protesting the award*, the

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 435261)

Amendment 5—On page 27, line 19, remove: the word “of”,

and insert: *or of*

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 754101)

Amendment 6—On page 85, line 13, after *manufactured*

insert: *or supplied*

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

The question recurred on the passage of HB 1977. The vote was:

Session Vote Sequence: 1013

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla, Justice, Paul, Pickens

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

CS/HB 1323—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a certain amount of a contract award to assist certain minority business enterprise vendors in

obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements and limitations; authorizing the department to adopt rules; requiring the department to maintain a listing of participating financial institutions; providing an effective date.

—was read the third time by title.

Representative(s) Kallinger offered the following:

(Amendment Bar Code: 494625)

Amendment 3—On page 2, line 22, of the bill

insert after the comma: *and pursuant to s. 216.351,*

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

Representative(s) Kallinger offered the following:

(Amendment Bar Code: 801549)

Amendment 4—On page 4, line 20,

remove: all of said line

and insert: *1. Pursuant to s. 216.351, the provisions of ss. 215.422(14) and 216.181(16)*

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

The question recurred on the passage of CS/HB 1323. The vote was:

Session Vote Sequence: 1014

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Justice, Lynn

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

CS for CS for SB 522—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.2397, F.S.; authorizing the emergency-response vehicles of the Department of Health to use red flashing lights; reenacting s. 316.520, F.S., relating to penalties for violation of load limits on vehicles; amending s. 318.1451, F.S.; revising provisions governing driver improvement schools; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt motor vehicles; redefining the term “assembled from parts” and eliminating the definition of the term “combined”; providing a penalty for the removal of rebuilt decals; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser’s name; providing a penalty; amending s. 319.30, F.S.; redefining the term “major component part”; providing a penalty for falsely reporting certain information to the Department of Highway Safety and Motor Vehicles; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser’s name; providing a penalty; amending s. 319.32, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 319.33, F.S.; revising provisions relating to state-assigned vehicle identification numbers; amending s. 320.03, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 320.27, F.S.; revising provisions relating to the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.60, F.S.; redefining the term “motor vehicle”; amending s. 322.095, F.S.; revising provisions governing traffic law and substance abuse education courses; amending s. 328.73, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 713.78, F.S.; limiting the number of times a certificate of destruction may be reassigned; authorizing employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers to inspect certain records; providing penalties for failure to maintain or produce certain records; providing an effective date.

—was read the third time by title.

Reconsideration

On motion by Rep. Maygarden, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1**, as amended, was adopted (shown in the *Journal* on pages 1109-1117, March 13). The question recurred on the adoption of the amendment, as amended.

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 385161)

Amendment 3 to Amendment 1 (with directory language and title amendments)—On page 5, line 15, of the amendment, remove: all of said line

and insert: traffic infraction, punishable as a nonmoving violation

And the directory language is amended as follows:

On page 4, lines 26 through 27,
remove: all of said lines

and insert:

Section 4. Section 316.520, Florida Statutes, is re-enacted to read:

And the title is amended as follows:

On page 37, lines 23 through 25, of the amendment
remove: all of said lines

and insert: circumstances; limiting liability; re-enacting s. 316.520, F.S.; relating to loads on vehicles;

Rep. Gardiner 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 by the required two-thirds vote.

The question recurred on the passage of CS for SB 522. The vote was:

Session Vote Sequence: 1015

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 1839—A bill to be entitled An act relating to transportation; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing purpose; creating the Regional Transportation Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional and local transportation projects; providing criteria and procedures for approval of Regional Transportation Grant projects and Local Transportation Management Grant projects; providing for approval by the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating the Regional Transportation Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; creating s. 339.144, F.S.; creating the Local Transportation Management Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust

Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; providing for use of certain proceeds to fund projects selected under the act; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; repealing s. 339.2818, F.S., relating to the Small County Outreach Program; providing an effective date.

—was read the third time by title.

Representative(s) Russell and Johnson offered the following:

(Amendment Bar Code: 771061)

Amendment 2 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 339.141, Florida Statutes, is created to read:

339.141 Regional Transportation Act; short title; purpose; Regional Transportation Advisory Council; creation; membership; transportation grants; criteria; applications; approval; project lists; funding.—

(1) Sections 339.141-339.143 shall be known as the “Regional Transportation Act,” dedicated to identifying and funding high-priority regional transportation projects that create intermodal transportation linkages for passengers and freight, thus increasing cost-competitive travel choices for Florida residents, visitors, and businesses.

(2) The underlying purposes of the Regional Transportation Act are to identify projects throughout the state that will provide more efficient movement of travelers, goods, and services; assist local governments in developing intermodal linkages; promote logical linkages between different modes of transportation; and attract federal, state, local, and private-sector funds to make these improvements.

(3) The Regional Transportation Advisory Council is created to make recommendations annually to the Legislature on the selection of projects as provided in this section. Recommendations shall be made for projects seeking Regional Transportation Act grants pursuant to s. 339.143.

(4) The council shall consist of:

(a) The secretary of the Department of Transportation, or his or her designee.

(b) Two members of the Senate appointed by the President of the Senate.

(c) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms for council members from the Legislature shall be 2 years, provided that a legislative member’s term shall not exceed the term of the presiding officer making that member’s appointment to the council. Initial appointments must be made no later than 30 days after the effective date of this act. Vacancies on the council shall be filled in the same manner as the initial appointments.

(5) Each member of the council shall be allowed one vote. The council shall select a chair from among its membership. Meetings shall be held at the call of the chair but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(6) The Department of Transportation shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.

(7) Applications for Regional Transportation Act funding shall be submitted to the department no later than October 1 of each year, beginning in 2002, along with documentation that the proposed project meets the criteria listed in s. 339.143. Regional Transportation Act

projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.

(8) The department shall review all of the applications submitted to determine which ones meet the basic criteria listed in s. 339.143(3). By December 1 of each year, beginning in 2002, the department shall submit to the council all of the Regional Transportation Act grant applications that comply. Included in the department’s submittal shall be a summary of each eligible grant application, including summary information indicating how the project meets the criteria in s. 339.143(5).

(9)(a) The council shall evaluate all of the applications it receives from the department and shall annually develop a list of recommended projects for Regional Transportation Act grants. The council shall then submit its recommended project list to the Secretary of the Department of Transportation for review and inclusion of any additional compilation of supporting documentation. The Secretary shall then submit the approved list to the Legislature for its consideration in time for inclusion in the General Appropriations Act.

(b) In selecting projects for inclusion on its recommended projects list, the council shall consider the additional criteria in s. 339.143(5).

(10) The council is encouraged to seek input from transportation or economic development entities and to consider the reports and recommendations of task forces, study commissions, or similar entities charged with reviewing issues relevant to the council’s mission.

(11) The council’s recommended projects list shall not be ranked. The list shall total an amount that is no more than 1.5 times the amount of state funding available for the total regional transportation program that fiscal year.

(12) The Legislature shall consider the council’s recommended projects list and shall include approved projects in the General Appropriations Act. Projects approved by the Legislature must be included in the department’s adopted work program.

(13) For fiscal years 2003-2004 and 2004-2005, the department shall allocate a minimum of \$62 million from the State Transportation Trust Fund in its program and resource plan to fund the programs in ss. 339.141-339.143. For fiscal year 2005-2006, the department shall allocate a minimum of \$96 million for the program in ss. 339.141-339.143. Beginning in fiscal year 2006-2007 and for each year thereafter, the minimum amount allocated shall be \$100 million for projects seeking Regional Transportation Grants. This allocation of funds is in addition to any funding provided to this program by any other provision of law. Notwithstanding any other laws to the contrary, the requirements of ss. 339.135(1)-(5), 339.155, and 339.175 shall not apply to these funds and programs.

Section 2. Section 339.142, Florida Statutes, is created to read:

339.142 Regional transportation corridors.—

(1) A “regional transportation corridor” is defined as a regional system of transportation infrastructure that collectively provides for the efficient movement of significant numbers of persons and significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of travel.

(2) Florida’s initial regional transportation corridors are:

(a) The Interstate 10 Corridor, from Pensacola to Jacksonville.

(b) The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa along U.S. 98 and U.S. 19/State Road 27.

(c) The Interstate 95-Atlantic Coast Corridor, from Jacksonville to Miami.

(d) The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, along Interstate 75.

(e) *The Central Florida/East-West Corridor, from St. Petersburg to Tampa and to Titusville, along Interstate 4 and the Beeline Expressway.*

(f) *The Jacksonville to Tampa Corridor, along U.S. 301.*

(g) *The Jacksonville to Orlando Corridor, along U.S. 17.*

(h) *The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike.*

For the purposes of this subsection, the term "corridor" includes the roadways linking seaports, commercial service and general aviation airports, rail yards, transportation terminals, and intermodal service centers to the major highways listed in this subsection to designate regional corridors.

(3) *The Regional Transportation Advisory Council is authorized to make additions to, deletions from, or modifications to the initially designated corridors listed in subsection (2). These changes shall be accomplished through adoption of a resolution by majority vote of the council indicating the changes to the corridors. The department may provide input to the council regarding proposed changes to the corridors, including the results of any consensus-building process undertaken by the department to better define regional transportation corridors. In addition, any of the entities eligible to submit an application for a Regional Transportation Act grant pursuant to s. 339.141(7)(a) may propose corridor changes to the council. The council shall provide any such adopted resolutions to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 3. Section 339.143, Florida Statutes, is created to read:

339.143 *Regional Transportation Act grants.—*

(1) *The Legislature finds that Florida's future regional investments in transportation should be targeted toward a regional transportation system that integrates key components of the Florida Intrastate Highway System, seaports, spaceports, aviation facilities, and rail facilities within designated corridors. The Legislature further finds that Florida's future economic health depends on a system that can successfully move growing numbers of residents and tourists and transport goods and services within Florida, as well as to and from national and international markets. Therefore, the Legislature creates Regional Transportation Act grants to address these needs and to supplement existing related transportation programs.*

(2) *Projects eligible to receive Regional Transportation Act grants include, but are not limited to, the following:*

(a) *Seaport projects that improve cargo and passenger movements or connect the seaports to other modes of transportation.*

(b) *Aviation projects that increase passenger enplanements and cargo activity or connect airports to other modes of transportation.*

(c) *Transit projects that improve mobility on interstate highways, improve regional or localized travel, or connect to other modes of transportation.*

(d) *Rail projects that facilitate the movement of passengers and cargo, including ancillary pedestrian facilities, or connect rail facilities to other modes of transportation.*

(e) *Road or highway improvements that improve access to another mode of transportation.*

(f) *Roadway relocation projects or other projects that address vehicle user conflicts, access issues, or safety concerns with rail lines.*

(3) *The basic criteria for receipt of a Regional Transportation Act grant are as follows:*

(a) *The project must be able to be made production ready within a 5-year period following the end of the current fiscal year.*

(b) *The project must be consistent with a current transportation system plan, including, but not limited to, the Florida Intrastate*

Highway System, aviation, intermodal/rail, seaport, spaceport, or transit system plans.

(c) *The project must not be inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, must be accompanied by an explanation of why the project should be undertaken.*

(d) *The project must be of statewide or regional significance.*

(e) *The project must facilitate the movement of people, goods, and services within a regional transportation corridor designated pursuant to s. 339.142.*

(f) *The project must encourage, enhance, or create economic benefits in urban or rural areas.*

(4) *Eligible projects that meet the basic criteria in subsection (3) as determined by the department shall be forwarded by the department to the Regional Transportation Council for evaluation.*

(5) *The council shall use the following criteria for selecting projects for its recommended projects list:*

(a) *Whether other funds are available to help complete the project.*

(b) *The amount of local, federal, or private matching funds available for the project.*

(c) *The extent to which the project incorporates corridor management techniques, including access management strategies, right-of-way acquisition or protection measures, and appropriate zoning and setback controls.*

(d) *The extent to which the project supports a multimodal transportation district established pursuant to s. 163.3180(15).*

(e) *The extent to which the project uses new technologies, including intelligent transportation systems, to enhance the efficiency of the transportation system.*

(6) *Pursuant to s. 339.141, the Regional Transportation Advisory Council shall develop a list of recommended regional transportation projects and submit it to the Secretary of the Department of Transportation, who, after reviewing it and its supporting documentation, shall forward it to the Legislature. The Legislature shall consider the council's recommended projects list and shall include approved projects in the General Appropriations Act.*

Section 4. Subsections (2), (3) and (6) of section 339.2817, Florida Statutes, are amended to read:

339.2817 *County Incentive Grant Program.—*

(2) *To be eligible for consideration, projects must be consistent with applicable local government comprehensive plans and, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans.*

(3) *The department must consider, but is not limited to, the following criteria for evaluation of projects for County Incentive Grant Program assistance:*

(a) *The extent to which the project will encourage, enhance, or create economic benefits;*

(b) *The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;*

(c) *The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;*

(d) *The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;*

(e) *The extent to which the project helps to maintain or protect the environment; and*

(f) The extent to which the project includes transportation benefits for improving intermodalism and safety;—

(g) *The extent to which the county has enacted local-option fuel taxes and other dedicated local revenue sources or adopted the 1-percent infrastructure sales surtax or the small county surtax, with priority spending dedicated to transportation improvements; and*

(h) *The extent to which the project incorporates corridor management techniques, including access management strategies, right-of-way acquisition or protection measures, and appropriate zoning and setback controls.*

(6) A municipality may apply to the county in which the municipality is located for consideration by the county for funding under this section of any project or project phase of a transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System. The county must evaluate all municipal applications as provided in subsection (3). *If the proposed project is determined by the county to meet the criteria in subsection (3), the county shall send the application to the department on behalf of the municipality. If the proposed project is approved by the department, the county may retain project oversight authority and responsibility for the project on behalf of the municipality.* If a municipality's proposed project is rejected by the county for funding under this section, or if the county's proposed project adversely affects a municipality within the county, the municipality may request mediation to resolve any concerns of the municipality and the county.

Section 5. Subsections (1) and (2) of section 339.08, Florida Statutes, are amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall ~~expend by rule provide for the expenditure of~~ the moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

(2) ~~These rules must restrict~~ The use of such moneys *is restricted* to the following purposes:

(1) To fund the *Regional Transportation Grant projects selected pursuant to s. 339.143 Transportation Outreach Program created in s. 339.137.*

Section 6. Section 339.1371, Florida Statutes, is amended to read:

339.1371 Mobility 2000; ~~Transportation Outreach Program; funding.~~—

(1) Beginning in fiscal year 2000-2001 the Department of Transportation shall allocate sufficient funds to implement the Mobility 2000 (Building Roads for the 21st Century) initiative. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2000-2001 through 2004-2005 prior to adoption to include Mobility 2000 projects. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), requesting budget authority needed to implement the Mobility 2000 initiative. Funds will be used for corridors that link Florida's economic regions to seaports, international airports, and markets to provide connections through major gateways, improved mobility in major urbanized areas, and access routes for emergency evacuation to coastal communities based on analysis of current and projected traffic conditions.

(2) Notwithstanding any other provision of law, in fiscal year 2001-2002 and each year thereafter, the increase in revenue to the State Transportation Trust Fund derived from ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be ~~first~~ used by the Department of Transportation to fund the Mobility 2000 initiative ~~and any remaining funds shall be used to fund the Transportation Outreach Program created pursuant to s. 339.137.~~ Notwithstanding any other law to the contrary, the requirements of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility 2000 initiative.

Section 7. Subsection (3) of section 215.211, Florida Statutes, is amended to read:

215.211 Service charge; elimination or reduction for specified proceeds.—

(3) Notwithstanding the provisions of s. 215.20(1), the service charge provided in s. 215.20(1), which is deducted from the proceeds of the local option fuel tax distributed under s. 336.025, shall be reduced as follows:

(a) For the period July 1, 2005, through June 30, 2006, the rate of the service charge shall be 3.5 percent.

(b) Beginning July 1, 2006, and thereafter, no service charge shall be deducted from the proceeds of the local option fuel tax distributed under s. 336.025.

An amount equal to the reduction in the service charge The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the County Incentive Grant Program and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program as provided in this act. Notwithstanding any other laws to the contrary, the requirements of ss. 206.46(3), 206.606(2), 339.135(1)-(5), 339.155, and 339.175 shall not apply to these funds and programs.

Section 8. *For fiscal years 2003-2004 and 2004-2005, the department shall allocate a maximum of \$30 million to projects seeking County Incentive Grant Program grants and Small County Outreach Program grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program. For fiscal year 2005-2006, the department shall allocate a maximum of \$4 million to projects seeking County Incentive Program grants and Small County Outreach Program grants. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program.*

Section 9. *Section 339.137, Florida Statutes, is repealed.*

Section 10. This act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1, line 3, through page 2, line 17, remove: all of said lines

and insert: 339.141, F.S.; creating the Regional Transportation Act; providing program purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional transportation projects; providing criteria and procedures for approval of Regional Transportation Act grant projects; providing for approval by the department secretary, who then submits the list to the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating Regional Transportation Act grants; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.2817, F.S.; adding new criteria to the County Incentive Grant Program; amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; correcting references; amending s. 339.1371, F.S.; deleting provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; clarifying intent to use certain local-option fuel tax revenues; specifying funding for the County Incentive Grant Program and the Small County Outreach Program; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; providing funds for certain county incentive programs; providing an effective date.

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

The question recurred on the passage of CS/HB 1839. The vote was:

Session Vote Sequence: 1016

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
Attkisson	Dockery	Kallinger	Ritter
Atwater	Evers	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Barreiro	Feeney	Kottkamp	Russell
Baxley	Fields	Kravitz	Ryan
Bean	Fiorentino	Kyle	Seiler
Bendross-Mindingall	Flanagan	Lacasa	Simmons
Bennett	Frankel	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	Maygarden	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Murman	Wishner
Carassas	Henriquez	Needelman	
Clarke	Heyman	Negron	

Nays—None

Votes after roll call:

Yeas—Justice

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 order of—

Continuation of Special Orders

Continuation of Special Order Calendar

HR 9097—A resolution honoring the memory of Dave Thomas.

WHEREAS, Dave Thomas founded Wendy's Old-Fashioned Hamburgers in Columbus, Ohio, on November 15, 1969, and transformed it into one of the most successful food franchises in the country and, in promoting Wendy's, became a national figure representing a friendly face, good food, and a kind sense of humor, and

WHEREAS, in 1993, 45 years after leaving school, Dave Thomas earned his GED certificate and received his high school diploma from Coconut Creek High School in Fort Lauderdale, Florida, thereby establishing himself as a role model to students of all ages, and

WHEREAS, in 1979, Dave Thomas was awarded the Horatio Alger Award for dedication, individual initiative, and commitment to excellence, as exemplified by his remarkable accomplishments achieved through honesty, hard work, self-reliance, and perseverance, and

WHEREAS, from 1990 until 2000, Dave Thomas was the national spokesman for numerous White House adoption and foster care initiatives and was the recipient of numerous awards, including the Angel in Adoption Award by the Congressional Coalition on Adoption and the 2001 Social Awareness Award from the United States Postal Service for promoting the use of the Adoption Awareness postage stamp as a vehicle for highlighting the cause of adoption, and

WHEREAS, Dave Thomas established the Dave Thomas Foundation for Adoption in 1992, to work with national adoption organizations, individuals, and public and private agencies in raising awareness of children awaiting adoption and to provide direct support for programs seeking to find permanent homes for children in foster care, and

WHEREAS, Dave Thomas founded the Dave Thomas Center for Adoption Law to ease and facilitate the adoption process through education, advocacy, and research; he was a constructive force in shaping corporate health policy to cover adoption expenses, with the result that 75 percent of Fortune 1000 companies now offer adoption benefits to their employees; and he donated his speaking fees and profits from sales of his books, "Dave's Way, Well Done!" and "Franchising for Dummies," to adoption causes, and

WHEREAS, Dave Thomas used his time, energy, and financial resources to promote and advance the cause of adoption, NOW, THEREFORE,

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

That the House of Representatives respectfully honors the memory of Dave Thomas, devoted family man, successful businessman, and tireless advocate for children in need of permanent homes with loving families.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the family of Dave Thomas as a tangible token of the sentiments expressed herein.

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

The House moved to the order of—

Continuation of Bills and Joint Resolutions on Third Reading

HB 1601—A bill to be entitled An act relating to environmental cost recovery for electric utilities; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include certain costs relating to air quality; providing an effective date.

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

Session Vote Sequence: 1017

Yeas—117

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

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

Wallace	Weissman	Wilson	Wishner
Waters	Wiles		

Nays—None

Nays—None

Votes after roll call:

Yeas—Argenziano, Justice

Votes after roll call:

Yeas—Detert, Justice

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

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

CS/HB 1281—A bill to be entitled An act relating to brownfield redevelopment; amending s. 288.106, F.S.; redefining the term “local financial support exemption option” with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund; amending s. 376.80, F.S.; providing for the use of certain unencumbered, undisbursed funds from the Quick-Response Training Program and brownfield redevelopment bonus refunds; providing for grants to designated areas; providing an effective date.

CS/HB 1213—A bill to be entitled An act relating to motor vehicles, vessels, and enforcement of laws related thereto; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; revising the traffic control jurisdiction of a county over certain roads and rights-of-way dedicated in a residential subdivision under certain circumstances; creating s. 316.00825, F.S.; authorizing the governing body of a county to abandon the roads and rights-of-way dedicated in a recorded subdivision plat under certain circumstances; providing for traffic control jurisdiction of such roads; amending s. 316.061, F.S.; authorizing certain entities to remove crashed motor vehicles from roadways under certain circumstances; providing a limitation of liability; amending s. 316.066, F.S.; providing for access to vehicle crash reports by local, state, and federal entities under certain circumstances; requiring said entities to maintain confidential status of such reports; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles under certain circumstances; creating s. 316.2127, F.S.; providing for operation of utility vehicles on city streets, county roads, or the State Highway System under certain circumstances; amending s. 316.2397, F.S.; authorizing emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.304, F.S.; revising requirements regarding the wearing of headsets while operating a vehicle; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; providing for criminal penalties for failure to secure loads on vehicles under certain circumstances; amending s. 316.640, F.S.; revising traffic law enforcement authority of university police officers; revising the powers and duties of traffic crash investigation officers; amending s. 318.1451, F.S.; providing traffic school reference guide requirements; amending s. 318.18, F.S.; providing for assessment of doubled fines for speeding in toll collection zones; providing a minimum penalty for violations of s. 316.520, F.S.; amending s. 318.19, F.S.; providing a mandatory hearing for violations of s. 316.520, F.S.; revising traffic law enforcement authority of the Office of Agricultural Law Enforcement; amending s. 570.073, F.S.; revising the powers and duties of the Office of Agricultural Law Enforcement; amending s. 319.23, F.S.; requiring the Department of Highway Safety and Motor Vehicles to retain certain evidence of title; amending s. 319.28, F.S.; revising requirements for processing an application for title based on a contractual default; amending s. 319.33, F.S.; revising the elements of the offense of possessing, selling or offering for sale, concealing, or disposing of a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced; providing penalties; amending s. 320.025, F.S.; providing for confidential registration and issuance under fictitious name of decals for vessels operated by a law enforcement agency; requiring registration number and decal to be affixed to such vessel; amending s. 320.05, F.S.; providing for release of vessel registration information; providing exceptions; amending s. 320.055, F.S.; providing registration period for certain nonapportioned vehicles; amending s. 320.06, F.S.; revising form of license plate validation stickers; reducing the number of required validation stickers per plate; amending s. 320.072, F.S.; revising initial registration fee exemptions; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; providing for a use fee; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate;

—was read the third time by title.

Representative(s) Allen offered the following:

(Amendment Bar Code: 152241)

Amendment 2—On page 3, line 31 remove: “1997”

and insert: 2000

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

The question recurred on the passage of CS/HB 1281. The vote was:

Session Vote Sequence: 1018

Yeas—118

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

providing for the distribution and use of fees; authorizing the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; amending s. 320.083, F.S.; revising requirements for the Amateur Radio Operator specialty license plate; amending s. 320.0848, F.S.; revising fees for the 4-year disabled parking permit and renewal permit; amending s. 320.089, F.S.; revising weight restriction for the Ex-POW and Purple Heart license plates; amending s. 320.275, F.S.; creating a technical advisory committee to the Automobile Dealers Industry Advisory Board; providing for its duties and composition; requiring the office of the Attorney General, the Department of Agriculture and Consumer Services, and the Department of Highway Safety and Motor Vehicles to provide consumer education and information; amending s. 321.02, F.S.; providing for colors for use on Florida Highway Patrol motor vehicles and motorcycles; amending s. 322.051, F.S.; requiring acceptance of the Florida identification card as proof of identification by persons accepting the Florida driver license as proof of identification; amending s. 322.095, F.S.; deleting provision prohibiting governmental entities or courts from providing information regarding traffic law and substance abuse education program schools or course providers; authorizing the Department of Highway Safety and Motor Vehicles to provide a list of approved traffic law and substance abuse education course providers with a single phone number for each provider; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.27, F.S.; revising language relating to habitual traffic offender license revocation; amending s. 322.271, F.S.; correcting a cross reference; amending s. 322.28, F.S.; deleting obsolete language relating to revocation of a driver's license; repealing s. 322.282, F.S., relating to procedure when court revokes or suspends license or driving privilege and orders reinstatement, and s. 322.331, F.S., relating to restoration of license for habitual traffic offenders; amending s. 324.091, F.S.; providing for electronic access to vehicle insurer information; prohibiting compilation and retention of such information; amending s. 328.01, F.S.; deleting the requirement that a copy of a contract upon which a claim of ownership of a vessel is made be submitted if an application for transfer of title is based on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel a vessel registration, license plate, or fuel-use tax decal when given a dishonored check by the customer; amending s. 328.56, F.S.; revising language relating to display of vessel registration number; amending s. 328.72, F.S.; deleting certain requirements for the transfer of ownership of an antique vessel; amending s. 832.09, F.S.; requiring the department to create a standardized form for notification from clerks of courts of satisfaction of a worthless check; providing an effective date.

—was read the third time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 133513)

Amendment 9—On page 18, line 16,
remove: *individually and*

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 854773)

Amendment 10—On page 18, lines 23 & 24,
remove: all of said lines

and insert: *close-fitting tarpaulin or other appropriate cover or a load securing device meeting the requirements of 49 C.F.R. s. 393.100 or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and shall constitute compliance with this section.*

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

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 275287)

Amendment 11 (with title amendment)—On page 18, line 27,
remove: all of said line

and insert: *punishable as a nonmoving violation as provided in*

And the title is amended as follows:

On page 2, lines 10 through 12,
remove: all of said lines

and insert: F.S.;

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 153277)

Amendment 12—On page 18, lines 29-30,
remove: all of said lines

and insert:

(c) Any person who willfully violates the provisions of this section which offense results in serious bodily injury or death to an

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

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 445431)

Amendment 13—On page 19, line 11, through page 25, line 13,
remove: all of said lines.

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

Representative(s) Peterman offered the following:

(Amendment Bar Code: 431325)

Amendment 14 (with title amendment)—On page 32, between lines 10 & 11,

insert:

Section 16. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

And the title is amended as follows:

On page 2, line 30, after the semicolon

insert: amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses;

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

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 152709)

Amendment 15—On page 35, line 10, through page 36, line 5, remove: all of said lines.

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

The question recurred on the passage of CS/HB 1213. The vote was:

Session Vote Sequence: 1019

Yeas—118

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

Wallace
Waters

Weissman
Wiles

Wilson

Wishner

Nays—None

Votes after roll call:

Yeas—Diaz de la Portilla, Justice

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

CS/HB 757—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising provisions relating to the organization of the Department of Transportation; deleting certain responsibilities of the secretary; requiring the secretary to submit a report on major actions at each meeting of the Florida Transportation Commission; revising provisions relating to assistant secretaries; reducing the number of assistant secretaries; creating the Office of Comptroller; deleting provisions relating to the inspector general and comptroller; repealing s. 59, ch. 99-385, Laws of Florida; abrogating the repeal of provisions governing business damages in eminent domain actions; amending s. 73.071, F.S.; providing for the age required of a standing business in order to qualify for business damages; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 120.52, F.S.; redefining the term “agency” for the purposes of the Administrative Procedure Act to provide that metropolitan planning organizations are not agencies for the purposes of the act; amending s. 163.3177, F.S.; adding airport master plans that have specified components to comprehensive plans; creating exemption to development of regional impact review if certain conditions are met; amending s. 189.441, F.S., relating to contracts with an authority under the Community Improvement Authority Act; removing an exemption from s. 287.055, F.S., related to procurement of specified services; amending s. 215.615, F.S., relating to funding of fixed-guideway transportation systems; deleting obsolete language; amending s. 255.20, F.S.; exempting certain transportation projects from certain competitive bidding requirements; amending s. 287.055, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; providing for application of s. 287.055, F.S., the Consultants’ Competitive Negotiation Act, to seaports; amending s. 315.02, F.S.; redefining the terms “unit” and “port facilities” for purposes of port facilities financing; including seaport security projects within the meaning of “port facility”; amending s. 315.03, F.S.; authorizing certain entities to participate in certain federal loan programs; providing for oversight by the Florida Seaport Transportation and Economic Development Council; requiring annual reports; requiring legislative review; amending s. 316.003, F.S.; revising definition of “motor vehicle”; defining the terms “electric personal assistive mobility device” and “motorized scooter”; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; amending s. 316.515, F.S.; revising size requirement provisions for vehicles transporting certain agricultural products; allowing the Department of Transportation to issue permits for certain vehicles; amending s. 316.520, F.S.; exempting certain vehicles from covering requirements; creating s. 316.80, F.S.; establishing penalties for persons who transport motor or diesel fuel in unlawful containers; establishing penalties for use of stolen or illegal payment access devices; providing for forfeiture; providing for costs; amending s. 320.08056, F.S.; providing use fees for the Florida Firefighters license plate and the Police Benevolent Association license plate; amending s. 320.08058, F.S.; providing for creation of the Florida Firefighters license plate and the Police Benevolent Association license plate; providing for the distribution of use fees received from the sale of such plates; amending s. 332.004, F.S.; revising the definition of “airport or aviation development project” for purposes of the Florida Airport Development and Assistance Act to add certain noise mitigation projects; amending s. 332.007, F.S.; extending expiration date of provisions relating to economic assistance to airports for certain projects; extending due date of certain loans for certain airports; amending s. 333.06, F.S.; adding requirements for an airport master plan; amending s. 334.044, F.S.; authorizing the department to expend money on items that promote scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities

under certain circumstances; amending s. 334.175, F.S.; adding state-registered landscape architects to the list of design professionals who sign, seal, and certify certain Department of Transportation project plans; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program within the Department of Transportation; providing for consideration of planning and construction with certain criteria; providing for grants for local, regional, and state projects that support the program; providing rulemaking authority; amending s. 336.41, F.S.; providing for counties to certify or qualify persons to perform work under certain contracts; clarifying that a contractor already qualified by the department is presumed qualified to perform work described under contract on county road projects; amending s. 336.44, F.S.; providing that certain contracts shall be let to the lowest responsible bidder; amending s. 337.11, F.S., relating to design-build contracts effective July 1, 2003; adding right-of-way services to activities that can be part of a design-build contract; amending s. 337.11, F.S., relating to design-build contracts effective July 1, 2005; deleting right-of-way services from design-build contracts; amending s. 337.14, F.S.; revising provisions for qualifying persons to bid on certain construction contracts; providing for expressway authorities to certify or qualify persons to perform work under certain contracts; clarifying that a contractor qualified by the department is presumed qualified to perform work described under contract on projects for expressway authorities; amending s. 337.401, F.S.; providing that for certain projects under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; restating the Department of Transportation's rulemaking authority regarding regulation of bus benches; providing for local government regulation of dimensions of bus benches and advertising displays to supersede the department's regulations, in certain circumstances; requiring approval of Federal Highway Administration for bus benches and advertising displays on the National Highway System; providing for regulation of street light poles; amending s. 339.08, F.S.; revising language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; revising language relating to compensation to local governments that perform projects for the department; providing for preference to certain counties for transportation grants under specified circumstances; amending s. 339.55, F.S.; providing for state infrastructure bank funds to be spent on intermodal projects; revising criteria for evaluation of projects; amending s. 341.031, F.S.; correcting cross references; amending s. 341.051, F.S., relating to financing of public transit capital projects, and s. 341.053, F.S., relating to projects eligible for funding under the Intermodal Development Program; deleting obsolete language; amending s. 341.501, F.S., relating to high-technology transportation systems; authorizing the department to match funds from other states or jurisdictions for certain purposes; providing criteria; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities within their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes; creating s. 348.545, F.S.; clarifying that the Tampa-Hillsborough County Expressway Authority may use bond revenues to finance improvements to toll facilities, interchanges, and other facilities related to the expressway system; amending s. 348.565, F.S.; adding the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 as an approved project; amending s. 373.4137, F.S.; providing for certain expressway, bridge, or transportation authorities to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 380.04, F.S.; adding work on rights-of-way pertaining to electricity facilities to the list of activities not defined as "development" for purposes of the Florida Environmental Land and Water Management Act; amending s. 380.06, F.S., relating to development of regional impact; removing a rebuttable presumption with respect to application of the statewide guidelines and standards and revising the fixed thresholds; providing application with respect to developments that have received a development-of-regional-impact development order or that have an application for development approval

or notification of proposed change pending; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates certain facilities on the State Highway System is not required to issue a permit or grant access to any person for the purpose of soliciting funds; creating the Dori Slosberg Driver Education Safety Act; authorizing a board of county commissioners to require an additional amount to be collected with each civil traffic penalty to be used to fund traffic education programs in public and nonpublic schools; providing for administration of funds collected; restricting use of said funds; amending s. 2 of chapter 88-418, Laws of Florida, relating to Crandon Boulevard; allowing expenditure of public funds for modifications to provide access for governmental public safety vehicles; providing effective dates.

—was read the third time by title.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 812271)

Amendment 7 (with title amendment)—On page 29, line 12, through page 30, line 14, remove: all of said lines

And the title is amended as follows:

On page 1, lines 26-30, remove: all of said lines

and insert: amending s.

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

Session Vote Sequence: 1020

Yeas—45

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

Nays—72

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

Votes after roll call:

Yeas—Fasano, Justice

Representative(s) Johnson offered the following:

(Amendment Bar Code: 791979)

Amendment 8 (with title amendment)—On page 32, between lines 4 and 5,

and insert:

Section 8. Subsection (2) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(2)(a) Notwithstanding the provisions of section 212.20, and less costs of administration, 80 percent of the proceeds of this surcharge shall be deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surcharge shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of this surcharge shall be deposited in the Florida International Trade and Promotion Trust Fund. For the purposes of this subsection, “proceeds” of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.

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

And the title is amended as follows:

On page 2, line 4, after the semicolon,

insert: amending s. 212.060, F.S.; requiring proceeds from surcharge in the State Transportation Trust Fund be used to fund district projects;

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

Representative(s) Kyle offered the following:

(Amendment Bar Code: 621217)

Amendment 9 (with title amendment)—On page 50, line 30, of the bill

insert:

Section 26. Section 334.30, Florida Statutes, is amended to read:

334.30 *Public-private* ~~Private~~ transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public’s interest to provide for *public-private partnership agreements* to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, ~~with legislative approval by a separate bill for each facility,~~ enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department *is authorized to adopt rules to implement this section and shall by rule establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before seeking legislative approval, the department must determine that the proposed project:*

(a) Is in the public’s best interest.;

(b) Would not require state funds to be used unless there is an overriding state interest; *however, the department may use state resources for a transportation facility project that is on the State*

Highway System or that provides for increased mobility on the state’s transportation system. and

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state related to transportation facilities that are not part of the State Highway System are borne by the public-private entity. The department shall also ensure that all reasonable costs to the state, and substantially affected local governments, and utilities, related to the private transportation facility, are borne by the public-private private entity for transportation facilities that are owned by private entities.

(2) *The use of funds from the State Transportation Trust Fund is limited to advancing projects already programmed in the adopted 5-year work program or to no more than a statewide total of \$50 million in capital costs for all projects not programmed in the adopted 5-year work program.*

(3) *The department may request proposals for public-private transportation projects or, if the department receives an unsolicited proposal, shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks, stating that the department has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected area. After the public notification period has expired, the department shall then rank the proposals in order of preference. In ranking the proposals, the department may consider, but is not limited to considering, professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. The department shall negotiate with the top-ranked proposer in good faith, and if the department is not satisfied with the results of said negotiations, the department may, at its sole discretion, terminate negotiations with said proposer. If these negotiations are unsuccessful, the department may go to the second and lower-ranked firms in order using this same procedure. If only one proposal is received, the department may negotiate in good faith, and if the department is not satisfied with the results of said negotiations, the department may, at its sole discretion, terminate negotiations with the said proposers. Notwithstanding any other provision of this subsection, the department may, at its sole discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.*

(4) *The department shall not commit funds in excess of the limitation in subsection (2) without specific project approval by the Legislature.*

(5)(2) *Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by the department to avoid unreasonable costs to users of the facility.*

(6)(3) *Each private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; department rules, policies, procedures, and standards for transportation facilities; and any other conditions which the department determines to be in the public’s best interest.*

(7)(4) *The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. For public-private facilities located on the State Highway System, the department may pay all or part of the cost of operating and maintaining the facility. For facilities not located on the State Highway System, the department may provide services to the private entity and agreements for maintenance, law enforcement, and other services entered into pursuant to this section shall provide for full reimbursement for services rendered.*

(8)(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(9) *The department shall have the authority to create or assist in the creation of tax-exempt, public-purpose Internal Revenue Service Ruling 63-20 corporations as provided for under the Internal Revenue Code. Any bonds issued by the 63-20 corporation shall be payable solely from and secured by a lien upon and pledge of the revenues received by the 63-20 corporation. Any bonds issued by the 63-20 corporation shall not be or constitute a general indebtedness of the State of Florida, any department or agency thereof, or any political subdivision thereof within the meaning of any constitutional or statutory provision or limitation. The full faith and credit of the State of Florida shall not be pledged to the payment of the principal of or interest on the bonds issued by the 63-20 corporation. No owner of any of the bonds shall ever have the right to require or compel the exercise of the taxing power of the State of Florida or any department or agency of the state for payment thereof, and the bonds shall not constitute a lien upon any property owned by the State of Florida or any department or agency of the state. Bonds issued by the 63-20 corporation shall be rated investment grade by a nationally recognized credit rating agency. Nothing in this subsection is intended to prohibit the pledging of additional funds or revenues from private sources to secure such bonds. Internal Revenue Service Ruling 63-20 corporations may receive State Transportation Trust Fund grants and loans from the department. The department shall be empowered to enter into public-private partnership agreements with Internal Revenue Service Ruling 63-20 corporations for projects under this section but shall not agree to expend any funds not appropriated for this purpose. The provisions of s. 339.135(6) shall apply to such agreements.*

(10) *The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to Internal Revenue Service Ruling 63-20 corporations that construct projects containing toll facilities approved under this section. To be eligible, the Internal Revenue Service Ruling 63-20 corporation must meet the provisions of s. 338.251 and must either provide an indication from a nationally recognized rating agency that the senior bonds of the 63-20 corporation will be investment grade or must provide credit support, such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid as required by law. The state's liability for debt of a facility shall be limited to the amount approved for that specific facility in the department's 5-year work program adopted pursuant to s. 339.135.*

(11)(6) Notwithstanding s. 341.327, a fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 27. Paragraph (m) of subsection (2) of section 348.0004, Florida Statutes, is repealed.

Section 28. Subsection (9) is added to section 348.0004, Florida Statutes, to read:

348.0004 Purposes and powers.—

(9) *The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.*

(a) *An expressway authority in any county as defined in s. 125.011(1) may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing or extensions or other improvements to existing expressway authority transportation facilities or new transportation facilities that*

are within the jurisdiction of such an expressway authority. Such an expressway authority is authorized to adopt rules to implement this subsection and shall by rule establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. Such an expressway authority may engage the services of private consultants to assist in the evaluation. Before approval, such an expressway authority must determine that the proposed project:

1. *Is in the public's best interest.*

2. *Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default by the private entity or consortium or cancellation of the agreement by such expressway authority.*

(b) *Such an expressway authority may request proposals for public-private transportation projects or, if such an expressway authority receives an unsolicited proposal that it has an interest in evaluating, it shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which such expressway authority is located at least once a week for 2 weeks stating that such expressway authority has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the expressway authority shall then rank the proposals in order of preference. In ranking the proposals, the expressway authority may consider, but is not limited to considering, professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. The expressway authority shall negotiate with the top-ranked proposer in good faith, and if the expressway authority is not satisfied with the results of said negotiations, the expressway authority may, at its sole discretion, terminate negotiations with said proposer. If these negotiations are unsuccessful, the expressway authority may go to the second and lower-ranked firms in order using this same procedure. If only one proposal is received, the expressway authority may negotiate in good faith, and if the expressway authority is not satisfied with the results of said negotiations, the expressway authority may, at its sole discretion, terminate negotiations with the said proposers. Notwithstanding any other provision of this paragraph, the expressway authority may, at its sole discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.*

(c) *Agreements entered into pursuant to this subsection may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues may be regulated by such an expressway authority to avoid unreasonable costs to users of the facility.*

(d) *Each transportation facility constructed pursuant to this subsection shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; such expressway authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions such expressway authority determines to be in the public's best interest.*

(e) *Such an expressway authority may exercise any power possessed by it, including eminent domain, with respect to the development and construction of transportation projects to facilitate the development and construction of transportation projects pursuant to this subsection. Such an expressway authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it shall be entitled to receive full or partial reimbursement for services rendered.*

(f) *Except as herein provided, the provisions of this subsection are not intended to amend existing laws by further expanding or further restricting the authority of local governmental entities to regulate and enter into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.*

(g) *Such an expressway authority shall have the authority to create or assist in the creation of tax-exempt, public-purpose Internal Revenue Service Ruling 63-20 corporations as provided for under the Internal Revenue Code. Any bonds issued by the 63-20 corporation shall be payable solely from and secured by a lien upon and pledge of the revenues received by the 63-20 corporation. Any bonds issued by the 63-20 corporation shall not be or constitute a general indebtedness of the State of Florida, any department or agency thereof, or any political subdivision thereof within the meaning of any constitutional or statutory provision or limitation. The full faith and credit of the State of Florida shall not be pledged to the payment of the principal of or interest on the bonds issued by the 63-20 corporation. No owner of any of the bonds shall ever have the right to require or compel the exercise of the taxing power of the State of Florida or any department or agency of the state for payment thereof, and the bonds shall not constitute a lien upon any property owned by the State of Florida or any department or agency of the state. Bonds issued by the 63-20 corporation shall be rated investment grade by a nationally recognized credit rating agency. Nothing in this paragraph is intended to prohibit credit enhancement of such bonds, whether provided by private or governmental sources other than sources backed by the taxing power of the State of Florida. Nothing in this paragraph is intended to prohibit the pledging of additional funds or revenues from private sources to secure such bonds. Such an expressway authority shall be empowered to enter into public-private partnership agreements with Internal Revenue Service Ruling 63-20 corporations for projects under this subsection.*

(h) *Such an expressway authority or Internal Revenue Service Ruling 63-20 corporation created under this subsection shall be entitled to apply for grants and loans from the department for projects under this subsection, subject to the same eligibility criteria and other terms and conditions as would apply to projects of such an expressway authority undertaken without private participation.*

And the title is amended as follows:

On page 4, line 9, after the semicolon,

insert: amending s. 334.30, F.S.; providing for public-private transportation facilities; eliminating the requirement that the Legislature approve such facilities; providing requirements for the use of funds from the State Transportation Trust Fund; providing requirements with respect to proposals; providing for a selection process; providing for specific project approval by the Legislature for certain projects; authorizing the Department of Transportation to create certain corporations; authorizing such corporations to issue bonds; authorizing the department to lend certain funds to such corporations; authorizing the department to adopt rules; repealing s. 348.0004(2)(m), F.S., relating to private entity proposals for transportation projects; amending s. 348.0004, F.S.; establishing a process enabling certain expressway authorities to participate in public-private partnerships to build, operate, own, or finance certain transportation facilities; specifying the expressway authority's role in such projects and providing rulemaking authority; providing for a selection process; providing for the assessment of tolls; providing for creation of certain tax-exempt, public-purpose corporations; authorizing such corporations to issue bonds;

Rep. Kyle moved the adoption of the amendment.

Representative(s) Murman offered the following:

(Amendment Bar Code: 195001)

Amendment 1 to Amendment 9—On page 7, line 12, after s. 125.011(1)

insert: *or created by chapter 348*

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

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

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 831385)

Amendment 10—On page 60, line 24,
remove: all of said line

and insert: *to ss. 206.41(1)(e) and 206.87(1)(c), or that dedicates 35*

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

Representative(s) Russell offered the following:

(Amendment Bar Code: 540223)

Amendment 11—On page 86, lines 1 through 6,
remove: all of said lines

and insert:

(b) If requested by the developer or landowner, the development-of-regional-impact development order may be abandoned pursuant to the process in subsection 380.06(26).

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

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 961765)

Amendment 12 (with title amendment)—On page 87, between lines 2 and 3, of the bill

insert:

Section 51. Paragraph (d) is added to subsection (10) of section 768.28, Florida Statutes, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)

(d) For the purposes of this section, operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor, or any of their employees or agents, performing such services under contract with and on behalf of the Tri-County Commuter Rail Authority or the Department of Transportation shall be considered agents of the state while acting within the scope of and pursuant to guidelines established in said contract or by rule.

And the title is amended as follows:

On page 8, line 4, after the semicolon,

insert: amending s. 768.28, F.S.; providing that certain operators, dispatchers, and security providers for rail services and certain rail facility maintenance providers in a specified area or for the Tri-County Commuter Rail Authority or the Department of Transportation are agents of the state under specified circumstances;

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

Representative(s) Prieguez offered the following:

(Amendment Bar Code: 122691)

Amendment 13 (with title amendment)—On page 87, lines 15 through 28,

remove: all of said lines

And the title is amended as follows:

On page 8, lines 12 through 16,
remove: all of said lines

and insert: funds; providing

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

Representative(s) Romeo offered the following:

(Amendment Bar Code: 531673)

Amendment 14 (with title amendment)—On page 87, between lines 28 and 29, remove:

and insert:

Section 53. Paragraph (a) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county ~~which adopted a charter prior to June 1, 1976,~~ and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

And the title is amended as follows:

On page 8, line 16, after the semicolon,

insert: amending s. 212.055, F.S.; removing a limitation on which charter counties may levy a charter county transit surtax;

Rep. Romeo moved the adoption of the amendment.

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

Representative(s) Hart offered the following:

(Amendment Bar Code: 515683)

Amendment 1 to Amendment 14—On page 2, line 3, after the word “county”

insert: *which adopted a charter prior to January 1, 1984*

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

The question recurred on the adoption of **Amendment 14**, as amended, which was adopted by the required two-thirds vote.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 757. The vote was:

Session Vote Sequence: 1021

Yeas—107

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

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

Nays—7

Baxley	Frankel	Henriquez	Mack
Brown	Haridopolos	Kyle	

Votes after roll call:

Yeas—Jordan, Meadows

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

CS/HB 795—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; specifying conditions for the determination of whether there is a surviving spouse under certain circumstances; providing an effective date.

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

Session Vote Sequence: 1022

Yeas—119

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

Sobel	Stansel	Waters	Wilson
Sorensen	Trovillion	Weissman	Wishner
Spratt	Wallace	Wiles	

Nays—None

Votes after roll call:

Yeas—Justice

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

Recognition of Democratic Leaders

On behalf of the members of the Democratic Caucus, Rep. Wilson presented Rep. Frankel, Democratic Leader, with a check to the Palm Beach County Communities in Schools, and Rep. Kosmas presented Rep. Wiles, Democratic Leader pro tempore, with a check to the St. Johns County Council on Aging.

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 913 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

CS/HB 913—A bill to be entitled An act relating to health care; amending s. 627.6699, F.S.; revising a definition; authorizing carriers to separate certain experience groups for certain purposes; providing limitations for rates under an alternative modified community rating under certain circumstances; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and flexible health benefit plans; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to flexible benefit policies under certain circumstances; authorizing offering or delivering flexible benefit policies or contracts to certain employers; providing requirements for benefits in flexible benefit policies or contracts for small employers; providing an effective date.

—was read the third time by title.

REPRESENTATIVE FASANO IN THE CHAIR

Representative(s) Farkas offered the following:

(Amendment Bar Code: 752793)

Amendment 6—On page 7, line 12, remove: 2003

and insert: 2002

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 104491)

Amendment 7 (with directory language and title amendments)—On page 8, line 6, through page 12, line 16, remove: all of said lines,

and insert:

(b)1. Each small employer carrier issuing new health benefit plans shall offer to any small employer, upon request, a standard health benefit plan and a basic health benefit plan that meets the criteria set forth in this section.

2. For purposes of this subsection, the terms “standard health benefit plan” and “basic health benefit plan” mean policies or contracts that a small employer carrier offers to eligible small employers that contain:

a. An exclusion for services that are not medically necessary or that are not covered preventive health services; and

b. A procedure for preauthorization by the small employer carrier, or its designees.

3. A small employer carrier may include the following managed care provisions in the policy or contract to control costs:

a. A preferred provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary. A carrier may use preferred provider arrangements or exclusive provider arrangements to the same extent as allowed in group products that are not issued to small employers.

b. A procedure for utilization review by the small employer carrier or its designees.

This subparagraph does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions, subject to the approval of the department, which have potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers. The carrier may use such provisions to the same extent as authorized for group products that are not issued to small employers.

4. The standard health benefit plan *and any flexible benefit policy or contract* shall include:

- a. Coverage for inpatient hospitalization;
- b. Coverage for outpatient services;
- c. Coverage for newborn children pursuant to s. 627.6575;
- d. Coverage for child care supervision services pursuant to s. 627.6579;
- e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;
- f. Coverage for mammograms pursuant to s. 627.6613;
- g. Coverage for handicapped children pursuant to s. 627.6615;
- h. Emergency or urgent care out of the geographic service area; and
- i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

5. The standard health benefit plan and the basic health benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the standard health benefit plan or the basic health benefit plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule amounts by 4 percent annually.

6. The basic health benefit plan shall include all of the benefits specified in subparagraph 4.; however, the basic health benefit plan shall place additional restrictions on the benefits and utilization and may also impose additional cost containment measures.

7. Sections 627.419(2), (3), and (4), 627.6574, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618, 627.668, and 627.66911 apply to the standard health benefit plan, *to any flexible benefit policy or contract*, and to the basic health benefit plan. However, notwithstanding said provisions, the plans may specify limits on the number of authorized treatments, if such limits are reasonable and do not discriminate against any type of provider.

8. Each small employer carrier that provides for inpatient and outpatient services by allopathic hospitals may provide as an option of the insured similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available and the osteopathic hospital agrees to provide the service.

(c) If a small employer rejects, in writing, the standard health benefit plan and the basic health benefit plan, the small employer carrier may offer the small employer a *flexible limited* benefit policy or contract.

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a *flexible limited* benefit policy or contract for any small employer, the small employer carrier shall *disclose in writing to the prospective policyholder* ~~provide such employer group with a written statement that contains, at a minimum:~~

~~a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

~~a.b. An outline of coverage together explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization; and~~

~~b.e. An explanation of The primary and preventive care features of the policy or contract.~~

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

~~2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

~~a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

~~c.b. Acknowledges The limited nature of the coverage and an understanding of the managed care and cost control features of the policy or contract.;~~

~~e. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

~~2.d. If a flexible benefit policy or contract limited plan is requested, the prospective policyholder must acknowledge in writing acknowledges that he or she the prospective policyholder had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.~~

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

~~3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

4. The contract, policy, and certificates evidencing coverage under a flexible benefit policy or contract and the application for coverage under

such plans must state in not less than 12-point bold type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."

(e) A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the carrier insurer has filed it with the department and the department has approved it under ss. 627.410, ~~and~~ 627.411, and 641.31 and this section.

(f) A flexible benefit policy or contract must have an annual maximum benefit of \$25,000 or greater and a lifetime benefit of \$500,000 or greater and such benefit shall be disclosed in 12-point bold type in contrasting color.

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a *flexible limited* benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. A law restricting or limiting deductibles, coinsurance, copayments, or annual or lifetime maximum payments does not apply to any health plan policy, including a standard or basic health benefit plan policy or contract or a flexible benefit policy or contract, offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. When any flexible benefit health insurance policy or flexible benefit contract provides for the payment for medical expense benefits or procedures, such policy or contract shall be construed to include payment to a licensed physician who provides the medical service benefits or procedures which are within the scope of a licensed physician's license. Any limitation or condition placed upon payment to, or upon services, diagnosis, or treatment by, any licensed physician shall apply equally to all licensed physicians without unfair discrimination to the usual and customary treatment procedures of any class of physicians.

(b) Except as provided in this section, a standard or basic health benefit plan policy or contract or *flexible limited* benefit policy or contract offered to a small employer is not subject to any provision of this code which:

1. Inhibits a small employer carrier from contracting with providers or groups of providers with respect to health care services or benefits;

2. Imposes any restriction on a small employer carrier's ability to negotiate with providers regarding the level or method of reimbursing care or services provided under a health benefit plan; or

3. Requires a small employer carrier to either include a specific provider or class of providers when contracting for health care services or benefits or to exclude any class of providers that is generally authorized by statute to provide such care.

(c) Any second tier assessment paid by a carrier pursuant to paragraph (11)(j) may be credited against assessments levied against the carrier pursuant to s. 627.6494.

(d) Notwithstanding chapter 641, a health maintenance organization is authorized to issue contracts providing benefits to a small employer equal to the standard health benefit plan, the basic health benefit plan, and the *flexible limited* benefit policy authorized by this section.

And the directory language is amended as follows:

On page 2, lines 13-16,
remove: all of said lines,

and insert: (b) of subsection (6), and subsections (12) and (15) of section 627.6699, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 1, line 11, after the semicolon,

insert: revising certain disclosure requirements; providing additional notice requirements;

Rep. Farkas moved the adoption of the amendment.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 055307)

Amendment 1 to Amendment 7 (with title amendment)—On page 3, lines 12-16, remove: all of said lines,

and insert: service area; and

i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness; and

j. Coverage for diabetes treatment services pursuant to s. 627.65745.

And the title is amended as follows:

On page 9, line 10, of the amendment, after the colon, remove:

and insert: including coverage for diabetes treatment in certain plans, policies, and contracts;

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

Representative(s) Wiles offered the following:

(Amendment Bar Code: 850039)

Amendment 2 to Amendment 7—On page 7, lines 24-30, remove: all of said lines,

and insert: *licensed physician or licensed dentist who provides the medical service benefits or procedures which are within the scope of a licensed physician's or licensed dentist's license. Any limitation or condition placed upon payment to, or upon services, diagnosis, or treatment by, any licensed physician or licensed dentist shall apply equally to all licensed physicians or licensed dentists, respectively, without unfair discrimination to the usual and customary treatment procedures of any class of physicians or dentists.*

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

The question recurred on the adoption of **Amendment 7**, as amended, which was adopted by the required two-thirds vote.

Representative(s) Sobel offered the following:

(Amendment Bar Code: 722047)

Amendment 8 (with directory language and title amendments)—On page 8, line 6, through page 12, line 16, remove: all of said lines,

and insert:

(b)1. Each small employer carrier issuing new health benefit plans shall offer to any small employer, upon request, a standard health benefit plan and a basic health benefit plan that meets the criteria set forth in this section.

2. For purposes of this subsection, the terms "standard health benefit plan" and "basic health benefit plan" mean policies or contracts that a small employer carrier offers to eligible small employers that contain:

a. An exclusion for services that are not medically necessary or that are not covered preventive health services; and

b. A procedure for preauthorization by the small employer carrier, or its designees.

3. A small employer carrier may include the following managed care provisions in the policy or contract to control costs:

a. A preferred provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary. A carrier may use preferred provider arrangements or exclusive provider arrangements to the same extent as allowed in group products that are not issued to small employers.

b. A procedure for utilization review by the small employer carrier or its designees.

This subparagraph does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions, subject to the approval of the department, which have potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers. The carrier may use such provisions to the same extent as authorized for group products that are not issued to small employers.

4. The standard health benefit plan *and any flexible benefit policy or contract* shall include:

- a. Coverage for inpatient hospitalization;
- b. Coverage for outpatient services;
- c. Coverage for newborn children pursuant to s. 627.6575;
- d. Coverage for child care supervision services pursuant to s. 627.6579;
- e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;
- f. Coverage for mammograms pursuant to s. 627.6613;
- g. Coverage for handicapped children pursuant to s. 627.6615;
- h. Emergency or urgent care out of the geographic service area; and
- i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

5. The standard health benefit plan and the basic health benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the standard health benefit plan or the basic health benefit plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule amounts by 4 percent annually.

6. The basic health benefit plan shall include all of the benefits specified in subparagraph 4.; however, the basic health benefit plan shall place additional restrictions on the benefits and utilization and may also impose additional cost containment measures.

7. Sections 627.419(2), (3), and (4), 627.6574, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618, 627.668, 627.66911, 627.4239, 627.65755, 627.6691, 627.4232, 627.42395, 627.65745, 627.667, 627.6617, 627.669, 641.51(8), 627.6472(18), 627.662, 641.19(13)(e), 627.6471, 627.6472, 627.6045, 627.607, 641.31(27), 641.51(11), 627.6577, 627.6699(12)(b)(7), 627.6472(16), 627.662, 641.31(21), 627.6419, 627.6045, 627.667, 641.3111, 627.6617, 641.513(3), 641.32(12) and 627.6619 apply to the standard health benefit plan, to any flexible benefit policy or contract, and to the basic health benefit plan. However,

notwithstanding said provisions, the plans may specify limits on the number of authorized treatments, if such limits are reasonable and do not discriminate against any type of provider.

8. Each small employer carrier that provides for inpatient and outpatient services by allopathic hospitals may provide as an option of the insured similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available and the osteopathic hospital agrees to provide the service.

(c) If a small employer rejects, in writing, the standard health benefit plan and the basic health benefit plan, the small employer carrier may offer the small employer a ~~flexible limited~~ benefit policy or contract.

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a ~~flexible limited~~ benefit policy or contract for any small employer, the small employer carrier shall *disclose in writing to the provide such employer group with a written statement that contains, at a minimum:*

~~a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

~~a.b. An outline of coverage together explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization; and~~

~~b.e. An explanation of The primary and preventive care features of the policy or contract.~~

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

~~2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

~~a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

~~c.b. Acknowledges The limited nature of the coverage and an understanding of the managed care and cost control features of the policy or contract;~~

~~e. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

~~2.d. If a flexible benefit policy or contract limited plan is requested, the prospective policyholder must acknowledge in writing acknowledges that he or she the prospective policyholder had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.~~

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

~~3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted

for review by the department prior to use and must contain the disclosures stated in this subsection.

4. *The contract, policy, and certificates evidencing coverage under a flexible benefit policy or contract and the application for coverage under such plans must state in not less than 12-point bold type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."*

(e) A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the carrier insurer has filed it with the department and the department has approved it under ss. 627.410, and 627.411, and 641.31 and this section.

(f) *A flexible benefit policy or contract must have an annual maximum benefit of \$100,000 or greater and a lifetime benefit of \$500,000 or greater and such benefit shall be disclosed in 12-point bold type in contrasting color.*

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a ~~flexible limited~~ benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. *A law restricting or limiting deductibles, coinsurance, copayments, or annual or lifetime maximum payments does not apply to any health plan policy, including a standard or basic health benefit plan policy or contract or a flexible benefit policy or contract, offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. When any flexible benefit health insurance policy or flexible benefit contract provides for the payment for medical expense benefits or procedures, such policy or contract shall be construed to include payment to a licensed physician or licensed dentist who provides the medical service benefits or procedures which are within the scope of a licensed physician's license or licensed dentist's license. Any limitation or condition placed upon payment to, or upon services, diagnosis, or treatment by, any licensed physician shall or licensed dentist apply equally to all licensed physicians without unfair discrimination to the usual and customary treatment procedures of any class of physicians or licensed dentist.*

(b) Except as provided in this section, a standard or basic health benefit plan policy or contract or ~~flexible limited~~ benefit policy or contract offered to a small employer is not subject to any provision of this code which:

1. Inhibits a small employer carrier from contracting with providers or groups of providers with respect to health care services or benefits;

2. Imposes any restriction on a small employer carrier's ability to negotiate with providers regarding the level or method of reimbursing care or services provided under a health benefit plan; or

3. Requires a small employer carrier to either include a specific provider or class of providers when contracting for health care services or benefits or to exclude any class of providers that is generally authorized by statute to provide such care.

(c) Any second tier assessment paid by a carrier pursuant to paragraph (11)(j) may be credited against assessments levied against the carrier pursuant to s. 627.6494.

(d) Notwithstanding chapter 641, a health maintenance organization is authorized to issue contracts providing benefits to a small employer equal to the standard health benefit plan, the basic health benefit plan, and the ~~flexible limited~~ benefit policy authorized by this section. *Flexible benefit policies shall contain all group health provisions required under chapter 641.*

And the directory language is amended as follows:

On page 2, lines 13-16,
remove: all of said lines,

and insert: (b) of subsection (6), and subsections (12) and (15) of section 627.6699, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 1, line 11, after the semicolon,

insert: revising certain disclosure requirements; providing additional notice requirements;

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

Session Vote Sequence: 1023

Yeas—43

The Chair	Frankel	Lee	Seiler
Argenziano	Gannon	Lerner	Siplin
Ausley	Gelber	Lynn	Slosberg
Bendross-Mindingall	Gottlieb	Machek	Smith
Betancourt	Greenstein	Meadows	Sobel
Brutus	Harper	Peterman	Stansel
Bucher	Henriquez	Rich	Weissman
Cusack	Heyman	Richardson	Wiles
Diaz de la Portilla	Joyner	Ritter	Wilson
Fields	Kendrick	Romeo	Wishner
Fiorentino	Kosmas	Ryan	

Nays—69

Alexander	Cantens	Harrell	Murman
Allen	Carassas	Harrington	Needelman
Andrews	Clarke	Hart	Negron
Arza	Crow	Hogan	Paul
Attkisson	Davis	Jordan	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz-Balart	Kilmer	Ross
Barreiro	Dockery	Kottkamp	Rubio
Bean	Evers	Kravitz	Russell
Bennett	Farkas	Kyle	Simmons
Bense	Feeney	Littlefield	Sorensen
Benson	Flanagan	Mack	Spratt
Berfield	Garcia	Mahon	Trovillion
Bilirakis	Gardiner	Mayfield	Wallace
Bowen	Gibson	Maygarden	Waters
Brown	Goodlette	McGriff	
Brummer	Green	Mealor	
Byrd	Haridopolos	Melvin	

Votes after roll call:

Yeas—Holloway
Nays to Yeas—Crow

Representative(s) Gannon offered the following:

(Amendment Bar Code: 404203)

Amendment 9 (with title amendment)—On page 12, between lines 16 and 17,

insert:

Section 2. Section 381.0435, Florida Statutes, is created to read:

381.0435 *Treatment for survivors of rape.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds that the victimization of women through rape is compounded by the possibility that the rape survivor may suffer an unwanted pregnancy by the rapist. The Legislature further finds that access to pregnancy prevention prophylaxis and timely counseling are simple, basic measures*

that can prevent this additional victimization. The federal Food and Drug Administration has approved the use of pregnancy prevention prophylaxis as safe and effective in the prevention of pregnancy. Further, medical research strongly indicates that the sooner pregnancy prevention prophylaxis is administered, the better the chance of preventing unintended pregnancy. Therefore, the Legislature deems it essential that rape survivors be informed of pregnancy prevention prophylaxis and have access to pregnancy prevention prophylaxis as a treatment option.

(2) **DEFINITIONS.**—*As used in this section, the following words have the meanings indicated:*

(a) *“Care to a rape survivor” means medical examinations, procedures, and services provided to a rape survivor.*

(b) *“Incest” means a sexual offense described in s. 826.04.*

(c) *“Pregnancy prevention prophylaxis” means any drug or device approved by the federal Food and Drug Administration that prevents pregnancy after sexual intercourse.*

(d) *“Rape” means sexual battery as described in ss. 794.011 and 827.071.*

(e) *“Rape survivor” means a person who alleges or is alleged to have been raped or is the victim of alleged incest and because of the alleged offense seeks treatment as a patient.*

(3) **DUTIES OF LICENSED FACILITIES AND PRACTITIONERS.**—*Beginning October 1, 2002, a health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464, that provides care to a rape survivor, shall:*

(a) *Provide each rape survivor with medically and factually accurate, clear, concise information about pregnancy prevention prophylaxis.*

(b) *Inform each rape survivor of such person’s medical option to receive pregnancy prevention prophylaxis.*

(c) *If pregnancy prevention prophylaxis is requested:*

1. *Immediately prescribe or provide the rape survivor with pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate; or*

2. *Inform the rape survivor of a health care facility or health care practitioner that will prescribe or provide access to pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate for the rape survivor. Such provision of information shall be documented in the patient’s medical record.*

However, if the rape survivor is transferred to or receives care from a sexual assault program or specialized team that provides rape counseling and treatment services, or if the rape survivor is pregnant, the licensed facility or practitioner described in this subsection shall be relieved of the duties specified in this section.

(4) *Notwithstanding any other provision of this section, a health care facility licensed under chapter 395 may refuse to provide care to a rape survivor because the provisions of this section are inconsistent with the religious beliefs of the facility or the health care practitioner. This section shall not be construed to deny care to a rape survivor. For purposes of this section, a health care facility is an entity for which each of the following is true:*

(a) *The inculcation of religious values is the purpose of the entity.*

(b) *The entity primarily employs persons who share the religious tenets of the entity.*

(c) *The entity serves primarily persons who share the religious tenets of the entity.*

(d) *The entity is a nonprofit organization as described in s. 6033(a)(2) i or iii of the Internal Revenue Code of 1986, as amended.*

(5) *Every health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459,*

or chapter 464 that refuses to provide care to a rape survivor under this section shall provide written notice to the victim that the health care facility or health care practitioner refuses to provide treatment for religious reasons.

And the title is amended as follows:

On page 1, line 22, after the semicolon, insert: creating s. 381.0435, F.S.; providing legislative intent; providing definitions; providing requirements for treatment for survivors of rape; providing for counseling and for information about pregnancy prevention prophylaxis; providing for immediate access to medically appropriate pregnancy prevention prophylaxis, if requested; providing applicability; providing for refusal to provide care;

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

Representative(s) Harrell, Cantens, and Berfield offered the following:

(Amendment Bar Code: 542009)

Amendment 10—On page 12, line 16, after the period,

insert: *Flexible benefit policies shall contain all provider provisions required under chapter 641.*

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

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 845269)

Amendment 11 (with title amendment)—On page 12, line 17,

insert: Section 2. *The provisions of this act shall not apply to coverage for newborn children, pursuant to s.627.641, F.S., maternity care, pursuant to s.627.6406, F.S., and natural-born, adopted, and foster children, pursuant to s.627.6415, F.S.*

And the title is amended as follows:

On page 1, line 23

insert: providing exemptions; providing an effective date.

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

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 913. The vote was:

Session Vote Sequence: 1024

Yeas—113

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

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

Nays—2

Bucher	Frankel
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Votes after roll call:

Yeas—Gottlieb, Harper, Justice, Weissman

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

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

II. Bills for Consideration at 1:00 p.m.

CS/HB 147—A bill to be entitled An act relating to offenses by public servants; creating the “Citizens’ Right to Honest Government Act”; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney’s fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 905.34, F.S.; expanding jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.3173, 112.534, 117.01, and 121.091, F.S.; deleting and conforming cross references to changes made by the act; providing an effective date.

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

Session Vote Sequence: 1025

Yeas—117

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

Kilmer	Maygarden	Richardson	Sorensen
Kosmas	McGriff	Ritter	Spratt
Kottkamp	Meadows	Romeo	Stansel
Kravitz	Mealor	Ross	Trovillion
Kyle	Melvin	Rubio	Wallace
Lacasa	Murman	Russell	Waters
Lee	Needelman	Ryan	Weissman
Lerner	Negron	Seiler	Wiles
Littlefield	Paul	Simmons	Wilson
Lynn	Peterman	Siplin	Wishner
Machek	Pickens	Slosberg	
Mahon	Prieguez	Smith	
Mayfield	Rich	Sobel	

Nays—None

Votes after roll call:

Yeas—Justice, Mack

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

CS/HJR 1441—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 20 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

SECTION 20. Assets of the Florida hurricane catastrophe fund.—The assets of the Florida hurricane catastrophe fund, established by general law, shall be used exclusively for paying catastrophic hurricane loss obligations arising out of reimbursement contracts with insurers, paying debt service on revenue bonds and financing arrangements issued by or on behalf of the fund, reinsurance costs of the fund, administrative expenses of the fund, and an annual appropriation for hurricane loss mitigation programs. Ten million dollars must be appropriated annually in the general appropriations act for hurricane loss mitigation programs and any additional appropriation from the fund for such programs must be approved by a vote of three-fourths of the membership of each house of the legislature in a separate bill or bills for that purpose only, provided the aggregate of any appropriations from the fund for hurricane loss mitigation programs in a fiscal year may not exceed the greater of \$10 million dollars or an amount equal to thirty-five percent of the fund’s investment income from the fiscal year that concluded two years before the effective date of such appropriations. This section does not limit the authority of the legislature to abolish or otherwise terminate the operations of the Florida hurricane catastrophe fund.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 20

FLORIDA HURRICANE CATASTROPHE FUND.—Proposing an amendment to the State Constitution to limit the purposes for which the fund’s assets may be used, require an annual \$10 million appropriation in the general appropriations act for hurricane loss mitigation programs, require any additional appropriation from the fund for such programs to be subject to an extraordinary vote of the Legislature in a separate bill or bills, and limit the aggregate of any appropriations from the fund for hurricane loss mitigation programs in a fiscal year to the greater of \$10 million or 35 percent of the fund’s investment income from a specific fiscal year prior to such aggregate appropriation.

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

Session Vote Sequence: 1026

Yeas—117

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
Attkisson	Dockery	Kallinger	Ritter
Atwater	Evers	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fields	Kottkamp	Russell
Barreiro	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	Wallace
Brummer	Greenstein	Maygarden	Waters
Brutus	Haridopolos	McGriff	Weissman
Bucher	Harper	Meadows	Wiles
Bullard	Harrell	Mealor	Wilson
Byrd	Harrington	Melvin	Wishner
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	
Clarke	Heyman	Negron	

Nays—None

Votes after roll call:

Yeas—Justice, Trovillion

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS/HB 1475—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; redefining the terms “business hours,” “excavate,” and “system”; defining the terms “design services,” “positive response,” “premark,” and “tolerance zone”; amending s. 556.104, F.S.; providing for a free-access notification system; amending s. 556.105, F.S.; revising the procedures for excavation and notification; amending s. 556.106, F.S.; revising liability provisions; amending s. 556.107, F.S.; revising noncriminal and criminal penalties; creating s. 556.112, F.S.; prescribing requirements for member operators and requests for design services; providing application; providing an effective date.

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

Session Vote Sequence: 1027

Yeas—117

The Chair	Ball	Bowen	Crow
Alexander	Barreiro	Brown	Cusack
Allen	Bean	Brummer	Davis
Andrews	Bendross-Mindingall	Brutus	Detert
Argenziano	Bennett	Bucher	Diaz de la Portilla
Arza	Bense	Bullard	Diaz-Balart
Attkisson	Benson	Byrd	Dockery
Atwater	Berfield	Cantens	Evers
Ausley	Betancourt	Carassas	Farkas
Baker	Bilirakis	Clarke	Fasano

Fields	Hogan	Mahon	Ryan
Fiorentino	Holloway	Mayfield	Seiler
Flanagan	Jennings	Maygarden	Simmons
Frankel	Johnson	McGriff	Siplin
Gannon	Jordan	Meadows	Slosberg
Garcia	Joyner	Mealor	Smith
Gardiner	Kallinger	Melvin	Sobel
Gelber	Kendrick	Murman	Sorensen
Gibson	Kilmer	Needelman	Spratt
Goodlette	Kosmas	Negron	Stansel
Gottlieb	Kottkamp	Paul	Trovillion
Green	Kravitz	Peterman	Wallace
Greenstein	Kyle	Pickens	Waters
Haridopolos	Lacasa	Prieguez	Weissman
Harper	Lee	Richardson	Wiles
Harrell	Lerner	Ritter	Wilson
Harrington	Littlefield	Romeo	Wishner
Hart	Lynn	Ross	
Henriquez	Machek	Rubio	
Heyman	Mack	Russell	

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 1769—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for unsolicited proposals received by the Department of Transportation or an expressway authority with respect to public-private transportation facilities; providing an exception to the exemption; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 1028

Yeas—85

The Chair	Clarke	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Diaz de la Portilla	Jennings	Peterman
Andrews	Diaz-Balart	Johnson	Pickens
Attkisson	Evers	Jordan	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Ross
Baker	Fields	Kilmer	Russell
Barreiro	Fiorentino	Kosmas	Simmons
Bense	Frankel	Kottkamp	Siplin
Benson	Garcia	Kyle	Sobel
Berfield	Gardiner	Lacasa	Sorensen
Betancourt	Gelber	Lee	Spratt
Bilirakis	Gibson	Littlefield	Stansel
Bowen	Green	Mack	Trovillion
Brown	Greenstein	Mahon	Wallace
Brummer	Haridopolos	Maygarden	Waters
Brutus	Harper	McGriff	Wiles
Bucher	Harrell	Mealor	Wishner
Bullard	Hart	Melvin	
Byrd	Henriquez	Murman	
Cantens	Heyman	Needelman	

Nays—31

Argenziano	Carassas	Gannon	Lynn
Arza	Crow	Goodlette	Machek
Ball	Cusack	Gottlieb	Mayfield
Bean	Detert	Joyner	Meadows
Bendross-Mindingall	Dockery	Kravitz	Prieguez
Bennett	Flanagan	Lerner	Rich

Romeo	Ryan	Smith	Wilson
Rubio	Seiler	Weissman	

Votes after roll call:

Yeas—Harrington

Yeas to Nays—Attkisson

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

REPRESENTATIVE BALL IN THE CHAIR

CS/HB 1517—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; providing for the interest received from investments of the Water Management Lands Trust Fund to be credited to the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund for a specified number of years; providing for contingent effect; providing an effective date.

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

Session Vote Sequence: 1029

Yeas—117

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

Nays—1

Jennings

Votes after roll call:

Yeas—Justice

Nays to Yeas—Jennings

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

HB 1199—A bill to be entitled An act relating to the High Technology Tax Exemption Matching Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or re-creation of the fund; providing an effective date.

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

Session Vote Sequence: 1030

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 1487—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information received by a taxing authority or its agency in connection with certain audits of the records of a provider of telecommunication services; providing for review and repeal of the exemption; providing that the act is remedial and applies regardless of when the audit was begun; 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: 1031

Yeas—107

Alexander	Bilirakis	Diaz de la Portilla	Gottlieb
Allen	Bowen	Diaz-Balart	Green
Andrews	Brown	Dockery	Greenstein
Attkisson	Brummer	Evers	Haridopolos
Atwater	Brutus	Farkas	Harper
Ausley	Bucher	Fasano	Harrell
Baker	Bullard	Feeney	Harrington
Barreiro	Byrd	Fields	Hart
Bean	Cantens	Flanagan	Henriquez
Bendross-Mindingall	Carassas	Frankel	Heyman
Bennett	Clarke	Gannon	Hogan
Bense	Crow	Garcia	Holloway
Benson	Cusack	Gardiner	Jennings
Berfield	Davis	Gelber	Johnson
Betancourt	Detert	Gibson	Jordan

Joyner	Machek	Paul	Siplin
Kallinger	Mack	Peterman	Slosberg
Kendrick	Mahon	Pickens	Smith
Kilmer	Mayfield	Prieguez	Sobel
Kosmas	Maygarden	Rich	Sorensen
Kottkamp	McGriff	Richardson	Spratt
Kravitz	Meadows	Ritter	Stansel
Kyle	Mealor	Ross	Trovillion
Lacasa	Melvin	Rubio	Wallace
Lee	Murman	Russell	Waters
Littlefield	Needelman	Ryan	Wishner
Lynn	Negron	Seiler	

Nays—11

The Chair	Fiorentino	Romeo	Wiles
Argenziano	Goodlette	Simmons	Wilson
Arza	Lerner	Weissman	

Votes after roll call:

Yeas to Nays—Bennett, Ryan

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

CS/HB 1081 was taken up. On motion by Rep. Jennings, the rules were waived and—

CS for CS for CS for SB 386—A bill to be entitled An act relating to the Florida Black Business Investment Board, Inc.; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term “black business enterprise”; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of “executive director” as “president”; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the corporation’s responsibilities regarding use of funds; providing requirements regarding employees’ compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state’s operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporate compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation’s annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

—was substituted for CS/HB 1081 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

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

Representative(s) Jennings offered the following:

(Amendment Bar Code: 370845)

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

Section 1. Section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board, Inc.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

(a) *Establishing a partnership between the public sector and the private sector which seeks to leverage the provision of state funds with funds and other resources from private-sector businesses and other nonstate sources;*

(b)(a) *Increasing opportunities for employment of blacks, as well as the population in general;*

(c)(b) *Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs;*

(d)(e) *Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods; and*

(e)(d) *Taking measures to increase access of black businesses to both debt and equity capital.*

(2) For the purposes of ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida:~~

(a) “Black business enterprise” means any business concern ~~that which~~ is organized to engage in commercial transactions and ~~that which~~ is at least 51 percent owned by one or more African Americans ~~black Americans~~ as defined in s. 288.703 and whose management and daily operations are controlled by such persons.

(b) “Black business investment corporation” means a subsidiary of a financial institution or a consortium of financial institutions investing in, or lending to, black business enterprises.

(c) “Consortium” means two or more financial institutions ~~that which~~ jointly negotiate and agree to provide assistance to black business enterprises as provided in ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida.~~

(3) There is ~~hereby~~ created a *not-for-profit corporation within the Office of Tourism, Trade, and Economic Development a body politic and corporate* to be known as the “Florida Black Business Investment Board, Inc.,” hereinafter referred to as the “*corporation, board,*” ~~which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and which is not a unit or entity of state government. The board is hereby constituted a public instrumentality, and the exercise by the board of the powers conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall be deemed to be the performance of an essential governmental function.~~

(a) The board *of the corporation* shall consist of the following members:

1. ~~Six seven~~ members appointed by the Governor *and* subject to confirmation by the Senate, *who must six of whom shall* be experienced in investment finance and business development, ~~one of whom must be a member of a black business investment corporation.~~

2. *One member from the private sector appointed by the President of the Senate, who must be experienced in investment finance and business development and who shall serve a term of 2 years.*

3. *One member from the private sector appointed by the Speaker of the House of Representatives, who must be experienced in investment finance and business development and who shall serve a term of 2 years.*

4. *Three representatives of black business investment corporations, who must be selected from among and by the chairs of the black business investment corporations. A representative from a black business investment corporation shall serve for a term of 2 years but is eligible for reappointment on a rotating basis with other representatives from black business investment corporations.*

5. *The vice chair of Enterprise Florida, Inc., or his or her designee, who shall be an ex officio, nonvoting member, and who shall provide information, advice, and guidance designed to enhance the coordination of activities of Enterprise Florida, Inc., and the corporation.*

6. The chair of the Florida Development Finance Corporation, created pursuant to s. 288.9604, *who shall be an ex officio, nonvoting member of the board.*

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint *two members one member* to serve for a ~~term of 1 year, two members to serve for~~ terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) 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.

(d) The Governor shall appoint the chairperson who shall be a member of the board. The board shall annually elect one of its members as vice chairperson 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 books, documents, and papers filed with the board, of the minute books of the board, and of its official seal. ~~A majority of the members of the board shall constitute a quorum.~~

(e) *The board shall meet at least four times each year, upon the call of the chair or the vice chair or at the request of a majority of the membership. A majority of the total number of all members fixed by paragraphs (a) and (h) shall constitute a quorum. The board may take official action by a majority vote of the members present at any meeting at which a quorum is present.*

(f)(e) Members of the board shall serve without compensation, but *members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.*

(g)(f) Each member of the board *who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file full and public disclosure of financial interests pursuant to s. 112.3145 at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.*

(h) *Notwithstanding paragraph (a), the board may by resolution appoint two at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment.*

Section 2. Section 288.708, Florida Statutes, is amended to read:

288.708 ~~President Executive director~~; employees.—

(1) The ~~president executive director~~ of the ~~corporation board~~, who may also be designated as secretary-treasurer, shall be appointed by the

board and shall serve at the pleasure of the board. The board shall establish and adjust the compensation of the president. The president executive director shall be the chief administrative and operational officer of the corporation board and shall direct and supervise administrative affairs and the general management of the corporation board. The board may delegate to its president those powers and responsibilities it deems appropriate, except for appointment of the president. The president executive director:

(a) May contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be authorized by the board;

(b) Shall attend meetings of the board; and

(c) Shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies. All persons dealing with the corporation or board may rely upon such certification.

(2) *The corporation and its officers and board members are responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements. An employee of the corporation may not receive compensation for employment that exceeds the salary paid to the Governor, unless the corporation and the employee have executed a contract that prescribes specific and measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor. The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, and the executive director shall be subject to the provisions of part III of chapter 110.*

Section 3. Section 288.709, Florida Statutes, is amended to read:

288.709 Powers of the Florida Black Business Investment Board, Inc.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and adopt *policies* rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. However, any proposed *bylaws or policies* rules affecting the operation or administration or financial well-being of any of the black business investment corporations must first be approved by a majority of the black business investment corporations. *Such bylaws shall provide that the corporation is subject to the requirements of s. 24, Art. I of the State Constitution and chapter 119 and s. 286.011.*

(2) Adopt an official seal.

(3) Sue and be sued in its own name.

(4) Make and execute contracts and other instruments necessary or convenient for the exercise of its power and functions.

(5) Acquire, hold, and dispose of personal property for its corporate purposes.

(6) Enter into agreements or other transactions with any federal, state, or local agency.

(7) Encourage financial institutions to participate in consortia for the purpose of investing in black business enterprises.

(8) Ensure that funds available to the board for purposes set forth in ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida, are disbursed on a statewide basis and are not concentrated in one geographical area.

(9) ~~Acquire real property or any interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest; to sell, transfer, and convey any such property to a buyer~~

~~without regard to the provisions of chapters 253 and 270; and, in the event that such sale, transfer, or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property for occupancy by eligible persons.~~

(9)(10) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47; *however provided*, such investments will be made on behalf of the board by the Office of State Treasurer or by another trustee appointed for that purpose.

(10)(11) Appear in its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or Federal Government.

(11)(12) Procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(12)(13) Receive and accept from any federal, state, or local agency grants, loans, or advances for, or in aid of, the purposes of ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied for said purposes.

(13)(14) Create, issue, and buy and sell stock, evidences of indebtedness, and other capital participation instruments; to hold such stock, evidences of indebtedness, and capital participation instruments; and to underwrite the creation of a capital market for these securities in a manner designed to enhance development of capital ownership in the target group.

(14)(15) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(15)(16) Engage in special programs to enhance the development of black business enterprises as authorized by this act.

(16)(17) Promote black ownership of financial institutions in Florida.

(17)(18) Take, hold, and improve property, including real property.

(18)(19) Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida, and exercise any other powers, rights, or responsibilities of a corporation.

(19) *In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation and its boards against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.*

(20) *Provide in its bylaws that, upon the dissolution of the corporation, all of its assets, after payment of all legal debts and liabilities, revert to this state.*

Section 4. Section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board, Inc.—The Florida Black Business Investment Board, Inc., shall:

(1) Establish certification criteria for black business investment corporations. Certification criteria shall include administrative capacity, fiduciary controls, and, in the case of existing black business investment corporations, solvency and soundness of prior loan decisions;

(2) *Ensure that any appropriations by the Legislature to the corporation on behalf of the black business investment corporations are provided to the corporations in the manner and amount prescribed by the Legislature;*

(3) *Work with Enterprise Florida, Inc., and local economic development organizations to promote the retention and expansion of existing black business enterprises and to promote the formation and recruitment of new black business enterprises;*

(4)(2) Develop a memorandum of understanding with Enterprise Florida, Inc., that outlines a strategy for collaboration with the programs, activities, and committees or similar units ~~and boards~~ of Enterprise Florida, Inc., which memorandum of understanding shall provide for Enterprise Florida, Inc., to contract with the corporation, where practicable, for the delivery of economic development services relating to black business enterprises;

(5)(3) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136(9) which target high growth jobs;

(6)(4) Facilitate the formation of black business investment corporations in communities that are not currently served by such corporations and establish, in communities that are not currently served by an existing black business investment corporation, memoranda of understanding with local financial institutions that will provide loan guarantees for loans to black business enterprises;

(7)(5) Develop memoranda of understanding with the Departments of ~~Labor and Employment Security~~, Education, Transportation, Community Affairs, and Management Services, as well as with Workforce Florida, Inc., and the Florida State Board of Education Regents, detailing efforts of common interest and collaborations to expand black business development;

(8)(6) Intensify efforts to increase the number of franchises owned by black businesses and the number of the black business enterprises in construction and construction-related projects, with emphasis on construction projects financed by focusing on federal, state, or ~~and~~ local governments ~~government-financed construction projects~~; and

(9)(7) Annually, prepare a report detailing the performance of each black business investment corporation, addressing the number of jobs created and/or retained, success and failure rates among loan recipients, and the amount of funds leveraged from other sources.

(10) Annually, provide for a financial audit as defined in s. 11.45 of its accounts and records by an independent certified public accountant. The audit report shall be filed within 12 months after the end of the fiscal year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

Section 5. Section 288.7092, Florida Statutes, is created to read:

288.7092 Return on investment from activities of the corporation.—

(1) The public funds appropriated each year for the operation of the corporation are invested in this public-private partnership to enhance black business ownership and investments in Florida. This policy shall be the Legislature's priority consideration when reviewing the return on investment for the corporation.

(2) It is also the intent of the Legislature that the corporation coordinate its operations with Enterprise Florida, Inc., and with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(3) It is further the intent of the Legislature to maximize private-sector support in operating the corporation as an endorsement of its value and as an enhancement of its efforts.

(4)(a) The state's operating investment in the corporation is the budget contracted by the Office of Tourism, Trade, and Economic Development to the corporation, less funding that is directed by the Legislature to be subcontracted to a specific recipient.

(b) The board shall adopt for each upcoming fiscal year an operating budget for the organization which specifies the intended uses of the state's operating investment, other sources of income, and a plan for securing private-sector support to the corporation. Each fiscal year, private-sector support to the corporation shall be as follows: no less than 50 percent of the state's investment by July 1, 2003; no less than 60 percent of the state's investment by July 1, 2004; no less than 70 percent of the state's investment by July 1, 2005; no less than 80 percent of the state's investment by July 1, 2006; and no less than 100 percent of the state's investment by July 1, 2007.

(5) Private-sector support in operating the corporation includes:

(a) Cash given directly to the corporation for its operating budget.

(b) Cash jointly raised by the corporation and a local economic development organization, a group of such organizations, or a statewide business organization that supports collaborative projects.

(c) Cash generated by products or services of the corporation.

(d) In-kind contributions directly to the corporation, including private-sector equipment contributed as part of technical assistance; goods and services, including time donated by loan officers, advertising or marketing support, and items used to promote the corporation; business expenditures; business services provided; business support; and other business contributions that augment the operations, program, activities, or assets of the corporation, including, but not limited to, an individual's time and expertise, sponsored publications, private-sector staff services, payment for advertising placements, sponsorship of events, sponsored or joint research, discounts on leases or purchases, mission or program sponsorship, copayments, stock, warrants, royalties, or other private resources dedicated to the corporation, low-interest loans, participations, investment income, and equity investments.

(6) The corporation shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development. The office shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.

(7) As part of the annual report required under s. 288.714, the board of the corporation shall provide the Legislature with information quantifying the public's return on investment.

(8) The corporation, in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private accounting firm or economic analysis firm to develop the methodology for establishing and reporting return on investment and in-kind contributions as described in this section. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm or economic analysis firm shall certify whether the applicable statements in the annual report comply with this section.

Section 6. Subsections (1) and (4) of section 288.711, Florida Statutes, are amended to read:

288.711 Florida Investment Incentive Trust Fund.—

(1) There is hereby created the Florida Investment Incentive Trust Fund from which money may be drawn for investments or loans, as authorized by this section, to encourage the development of appropriate financial mechanisms in the private sector to capitalize and assist in the development of black business enterprises. All income earned by investments of the fund shall be deposited in the fund for carrying out the purposes of ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida~~. Administrative costs of the program shall be appropriated in a lump-sum appropriation from the fund created herein and shall be provided in the General Appropriations Act.

(4) All loans and investments, and any income related thereto, shall be used to carry out the public purpose of ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida~~, which is to develop black business enterprises. This is not meant to preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 7. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 288.712, Florida Statutes, are amended to read:

288.712 Florida guarantor funds.—

(3)

(b) For purposes of this section, the *corporation board* may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to *ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida*; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the *corporation board* in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The *corporation board* is authorized to post or pledge the assets of the Black Contractors Bond Trust Fund as collateral in amounts necessary to secure the issuance of bid bonds and construction contract bonds to black business enterprises. The board of the *corporation* shall establish a premium to be charged to the black business enterprise for which the assets have been so posted or pledged, pursuant to generally accepted actuarial principles, and shall establish such rules as may otherwise be necessary to carry out the purposes of this section.

2. Any claims against the state arising from defaults shall be payable from the Black Contractors Bond Trust Fund.

3. Nothing in this subsection shall be construed to prohibit or restrict the *corporation board* from entering into a joint venture or other contractual agreement with a private insurer or to invest in a private entity to handle all or part of a black contractors bonding program, credit program, or both for black business enterprises. Such investments or joint venture shall be made under conditions required by law and as the board may, from time to time, require and may take any of the forms described in s. 288.711(2) and (3). The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises. Moneys from the Black Contractors Bond Trust Fund may be used for these purposes.

(4)

(b) If the board of the *corporation* chooses to establish a loan guaranty program, it shall ~~use~~ utilize the Black Business Loan Guaranty Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Business Loan Guaranty Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to *ss. 288.707-288.714 ss. 9-21, chapter 85-104, Laws of Florida*; all moneys recovered following defaults; and any other moneys obtained by the *corporation board* for this purpose. The Black Business Loan Guaranty Trust Fund shall be administered by the *corporation board* in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The *corporation board* shall utilize the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this section and any income earned from the moneys in the account. All expenses of the *corporation board* in carrying out the purposes of this subsection shall be paid from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the *corporation's board's* activity shall be held as a loss reserve to pay claims arising from defaults on loans underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund and, secondarily, from the Black Business Loan Guaranty Trust Fund.

3. The *corporation board* as loan guarantor may exercise all rights and powers of a company authorized by the Department of Insurance to guarantee loans but shall not be subject to any requirements of an insurance company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the *corporation board* shall refer to the insurance code and rules thereunder when designing and

administering such program. The *corporation board* shall follow sound actuarial principles when administering this program. The *corporation board* shall establish a premium for the loan guaranty and such rules as may be necessary to carry out the purposes of this section.

4. The *corporation board* may guarantee no more than 20 percent of the principal of a loan to a black business enterprise.

Section 8. Section 288.714, Florida Statutes, is amended to read:

288.714 Annual report.—By ~~February 1~~ ~~March 31~~ of each year the board of the *corporation* shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development ~~and the secretary of the Department of Labor and Employment Security~~ a complete and detailed report setting forth:

(1) Operations and accomplishments of the *corporation board*;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the *corporation board*;

(3) The number of black business enterprises receiving assistance from the *corporation board* and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the *corporation board*;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the *corporation board*;

(6) Receipts and expenditures of the *corporation board* during its most recent fiscal year in accordance with the categories or classifications established by the *corporation board* for its operating and capital accounts;

(7) Assets and liabilities of the *corporation board* at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the *corporation board* and capital participation instruments issued by the *corporation board* for the year and the total to date.

Section 9. *Black Business Investment Board, Inc., state employee leasing program.*—

(1) *The Department of Management Services shall establish a lease-agreement program under which an employee as of June 30, 2002, of the Black Business Investment Board, Inc., created under chapter 85-104, Laws of Florida, retains his or her status as a state employee until a set date.*

(2) *The Department of Management Services shall establish the terms and conditions of the program and such lease agreements.*

(a) *Status as a state employee shall include the right to participate in the Florida Retirement System.*

(b) *Any employee who participates in a lease agreement shall work under the direct supervision of the corporation.*

(c) *Status as a state employee under a lease agreement as provided in this section expires on June 30, 2004, unless the employee voluntarily relinquishes his or her status as a state employee before that date.*

Section 10. Subsection (5) of section 288.9015, Florida Statutes, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(5) Enterprise Florida, Inc., shall incorporate the needs of small and minority businesses into the economic-development, international-trade and reverse-investment, and workforce-development responsibilities assigned to the organization by this section. *Where practicable and consistent with the expertise of the Black Business Investment Board,*

Inc., Enterprise Florida, Inc., shall contract with the corporation for the delivery of services in fulfillment of the responsibilities of Enterprise Florida, Inc., relating to small and minority businesses.

Section 11. *The Florida Black Business Investment Board, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2003, on the feasibility of including minority business enterprises, as defined under section 288.703, Florida Statutes, within the programs, services, and activities of the Florida Black Business Investment Board, Inc., and the black business investment corporations. The report shall include recommendations on a funding level necessary to expand the scope of such programs, services, and activities to include other minority business enterprises in addition to black business enterprises.*

Section 12. *If any other act passed during the 2002 Regular Session of the Legislature or any extension thereof contains a provision that repeals ss. 288.011 and 288.012, Florida Statutes, the Legislature intends that the provision in the other act shall take precedence over sections 7 and 8 of this act.*

Section 13. This act shall take effect July 1, 2002.

And the title is amended as follows:
remove: the entire title

and insert: A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term "black business enterprise"; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the corporation's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state's operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporation compliance with performance measures; providing for a report; requiring that the corporation hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the corporation and the black business investment corporations; providing applicability to other legislation; providing an effective date.

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

On motion by Rep. Jennings, the rules were waived and CS for CS for CS for SB 386, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1032

Yeas—116

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

Nays—1

Jordan

Votes after roll call:

Yeas—Justice, Sorensen

Nays to Yeas—Jordan

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

CS/HB 777—A bill to be entitled An act relating to public records; creating s. 288.1067, F.S.; creating a public records exemption for specified business information received under the capital investment tax credit program, qualified defense contractors tax refund program, qualified target industry tax refund program, high impact sector performance program, and quick action closing fund program; specifying that the exemption does not preclude publication of aggregate data or release of names of qualifying businesses and refund amounts; providing that the public records exemption applies to qualified aviation-industry businesses; amending s. 213.053, F.S.; authorizing release of certain additional information in administering certain tax credit or exemption programs; amending ss. 443.171 and 443.1715, F.S.; including the refund program for aviation-industry businesses within certain exceptions to certain public records exemptions; providing a statement of public necessity; providing contingent effect; providing effective dates.

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

Session Vote Sequence: 1033

Yeas—86

Alexander	Carassas	Hart	Maygarden
Andrews	Clarke	Henriquez	Meadows
Attkisson	Crow	Heyman	Mealor
Atwater	Cusack	Hogan	Melvin
Ausley	Davis	Holloway	Murman
Baker	Detert	Johnson	Needelman
Barreiro	Diaz de la Portilla	Jordan	Negron
Bean	Diaz-Balart	Kallinger	Pickens
Bendross-Mindingall	Evers	Kendrick	Prieguez
Bense	Farkas	Kilmer	Ross
Benson	Fasano	Kosmas	Russell
Berfield	Feeney	Kottkamp	Siplin
Betancourt	Frankel	Kravitz	Smith
Bilirakis	Garcia	Kyle	Sobel
Bowen	Gardiner	Lacasa	Sorensen
Brown	Gelber	Lee	Spratt
Brummer	Gibson	Littlefield	Stansel
Brutus	Green	Lynn	Trovillion
Bucher	Greenstein	Machek	Wallace
Bullard	Haridopolos	Mack	Waters
Byrd	Harrell	Mahon	
Cantens	Harrington	Mayfield	

Nays—28

The Chair	Flanagan	McGriff	Ryan
Argenziano	Gannon	Peterman	Seiler
Arza	Goodlette	Rich	Slosberg
Bennett	Gottlieb	Richardson	Weissman
Dockery	Harper	Ritter	Wiles
Fields	Joyner	Romeo	Wilson
Fiorentino	Lerner	Rubio	Wishner

Votes after roll call:

Yeas—Allen

Nays—Jennings

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

CS/HB 289—A bill to be entitled An act relating to incentives to promote new product development; providing a short title; creating s. 288.1172, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and the Department of Revenue; providing requirements for product development agreements; providing that donor companies may be granted a credit which may be used to fund sponsored research at a state university, as reimbursement for the purchase of machinery, equipment, or building supplies used in a Florida manufacturing facility, or as a corporate income tax credit; requiring the office to certify certain amounts to the department; requiring the department to make certain distributions; authorizing donor companies to elect to change the type of credit, payment, or reimbursement under certain circumstances; providing requirements for such election; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; relieving receiving companies of payments to donor companies under certain circumstances; providing remedies against a donor company when a receiving company fails to remit funds; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies that so elect; providing for carryover of the credit; providing for rules; amending s. 220.02, F.S.; providing order of credits against the corporate income tax; amending s. 212.20, F.S.; requiring the Department of Revenue to make certain distributions within a time certain under certain circumstances; providing an effective date.

—was read the third time by title.

Representative(s) Andrews offered the following:

(Amendment Bar Code: 540517)

Amendment 2—On page 3, line 10, through page 6, line 16, remove:

and insert: *to the donor company for the preceding tax year which it has paid to the department. This statement shall also contain any additional information specified in the product development agreement and shall contain a copy of the product development agreement.*

(c) *“Donor company” means an entity subject to the tax imposed by chapter 220 which has developed or holds the patent for a product or technology that it does not wish to develop itself and which has entered into a product development agreement.*

(d) *“Product development agreement” means a contract or series of contracts which provides the receiving company with the right to produce and market a product or technology which was developed or patented by the donor company.*

(e) *“Receiving company” means a business operating in this state which has entered into a product development agreement for the purpose of obtaining the right to produce and market a product or technology from a donor company.*

(3) *To qualify under this section, a product development agreement shall specify that a minimum of 75 percent of the jobs created by the production of the new product or technology shall be located in this state. In addition, the agreement shall specify the amount of compensation to be remitted by the receiving company for the license, and the type of credit the donor company has elected to receive. The agreement shall further provide for submission by the receiving company of an annual statement of fees due to both the Office of Tourism, Trade, and Economic Development and the Department of Revenue and shall specify the information to be included in the statement.*

(4) *Each receiving company shall submit an annual statement of fees due to the Department of Revenue within 30 days after filing its corporate income tax return for this state for the preceding tax year, in a format developed by the department. The department shall be responsible for producing an annual statement of donor credit for each donor company using the information contained in the statements. The donor credit for each donor company shall equal 94.5 percent of the total of the amounts specified in the annual statements of fees due from all receiving companies with which it has entered into a product development agreement. In any year the total amount of credits granted under all annual statements of donor credit shall not exceed 94.5 percent of the amount due to the state under all annual statements of fees due.*

(5) *The Department of Revenue shall send the annual statement of donor credit to each donor company within 90 days after the receipt of the annual statement of fees due. These statements shall contain the information specified by the product development agreement. The department shall specify, in a format developed by the department, the amount of credit due to each donor company based upon the funds paid to the department by the receiving company for the preceding tax year, the identities of the receiving companies from which those credits originated, and the type of credit the donor company has elected to receive.*

(6) *The donor company may elect to apply the amount specified in the annual statement of donor credit as a corporate income tax credit under s. 220.1825, as a payment to a state university’s division of sponsored research under subsection (8), or as a purchase price refund under subsection (9). In no case shall the combined benefits exceed the amount specified in the annual statement of donor credit.*

(7) *A donor company which is providing funding for sponsored research at a state university in this state may elect to use its donor credit to fund such research. If the donor company elects to apply its donor credit in this manner, it shall submit this request to the Department of Revenue on a form approved by the department. At a minimum, the form shall specify the donor company, the research being sponsored, and the*

state university at which the research is being conducted. The Department of Revenue shall then request the Office of the Comptroller to transfer to the appropriate university's division of sponsored research the amount shown on the donor company's annual statement of donor credit. The Office of the Comptroller and the Department of Revenue may promulgate rules to implement this subsection.

(8) A donor company shall be eligible to receive a reimbursement for the purchase price paid on the purchase of machinery and equipment which is installed in a Florida manufacturing facility, or for the building materials used in the construction or rehabilitation of a Florida manufacturing facility. This reimbursement shall be limited to the amount shown on the annual statement of donor credit which the donor company has elected to apply as a purchase reimbursement. Application for such reimbursement shall be made on a form approved by the Department of Revenue and accompanied by any supporting documentation required by the department. The Department of Revenue may promulgate rules to implement this subsection.

Section 3. Section 220.115, Florida Statutes, is created to read:

220.115 Fees due from receiving companies pursuant to s. 288.1172.—In addition to the tax imposed by this chapter, any company which has entered into a product development agreement pursuant to s. 288.1172 as a receiving company shall remit to the state the funds listed as paid to the state on the annual statement of fees due which the company has submitted to the Department of Revenue. Even if no tax is due under this chapter and a return would not normally be required, a Florida corporate income tax return shall be filed by the receiving company, and the funds to be listed on the annual statement of fees due shall be remitted to the department, subject to all filing requirements, fines, and penalties specified for returns and taxes due under this chapter. The department may adopt rules requiring the information it considers necessary to

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

The question recurred on the passage of CS/HB 289. The vote was:

Session Vote Sequence: 1034

Yeas—116

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

Stansel	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

Nays—None

Votes after roll call:

Yeas—Allen, Jennings, Justice

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

HB 1687 was taken up. On motion by Rep. Crow, the rules were waived and—

CS for SB 1272—A bill to be entitled An act relating to the determination and enforcement of obligations for child support; amending s. 61.046, F.S.; defining the term “national medical support notice”; amending s. 61.13, F.S.; requiring that the court issue an order for health care coverage for a minor child in a proceeding for dissolution of marriage rather than an order for health insurance; providing for enforcement of such an order through use of the national medical support notice; requiring the Department of Revenue to notify the obligor of withholding premium payments under the notice; providing a procedure under which the obligor may contest the withholding; providing procedures for enrolling a child in a group health plan; providing certain limitations on the amount of withholding allowed under a support order; amending s. 61.181, F.S.; continuing the increased fee charged to child support obligors by the depository; repealing s. 61.1826(5), F.S., relating to performance reviews; amending s. 61.1826, F.S.; conforming to repeal of s. 61.1826(5), F.S.; amending ss. 61.14, 61.30, F.S.; requiring that the Department of Revenue seek modification of certain awards of child support; requiring that such modification be made without proof or showing of a change in circumstances; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; amending s. 409.25656, F.S.; providing a procedure for liquidating securities that are levied to satisfy an obligation for past due or overdue support; amending s. 409.25658, F.S.; providing for the use of unclaimed property to satisfy an obligation for past due support; amending s. 409.2576, F.S.; requiring that the Department of Revenue transmit a national medical support notice to an employee's employer under certain circumstances; amending s. 827.06, F.S.; providing for additional means of service of process; providing an effective date.

—was substituted for HB 1687 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Crow offered the following:

(Amendment Bar Code: 741021)

Amendment 1—On page 15, line 2,

after: (11),

insert: and (12),
on page 15, line 4,
remove: Section

and insert: section
on page 26, line 6,

after: as

insert: a

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

On motion by Rep. Crow, the rules were waived and CS for SB 1272, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1035

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Allen, Justice

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

CS/HB 315 was taken up. On motion by Rep. Betancourt, the rules were waived and—

CS for SB 1236—A bill to be entitled An act relating to the equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; providing that a liability incurred by forgery or unauthorized signature is a nonmarital liability; providing for attorney’s fees and costs; providing an exception; providing an effective date.

—was substituted for CS/HB 315 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Betancourt, the rules were waived and CS for SB 1236 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1036

Yeas—118

The Chair	Baker	Bilirakis	Carassas
Alexander	Barreiro	Bowen	Clarke
Allen	Bean	Brown	Crow
Andrews	Bendross-Mindingall	Brummer	Cusack
Argenziano	Bennett	Brutus	Davis
Arza	Bense	Bucher	Detert
Attkisson	Benson	Bullard	Diaz de la Portilla
Atwater	Berfield	Byrd	Diaz-Balart
Ausley	Betancourt	Cantens	Dockery

Evers	Hart	Machek	Rubio
Farkas	Henriquez	Mack	Russell
Fasano	Heyman	Mahon	Ryan
Feeney	Hogan	Mayfield	Seiler
Fields	Holloway	Maygarden	Simmons
Fiorentino	Jennings	McGriff	Siplin
Flanagan	Johnson	Meadows	Slosberg
Frankel	Jordan	Mealor	Smith
Gannon	Joyner	Melvin	Sobel
Garcia	Kallinger	Murman	Sorensen
Gardiner	Kendrick	Needelman	Spratt
Gelber	Kilmer	Negron	Stansel
Gibson	Kosmas	Paul	Trovillion
Goodlette	Kottkamp	Peterman	Wallace
Gottlieb	Kravitz	Pickens	Waters
Green	Kyle	Prieguez	Weissman
Greenstein	Lacasa	Rich	Wiles
Haridopolos	Lee	Richardson	Wilson
Harper	Lerner	Ritter	Wishner
Harrell	Littlefield	Romeo	
Harrington	Lynn	Ross	

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 735—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams of specified facilities and structures owned or operated by an agency; providing for retroactive application of the exemption; providing exceptions to the exemption; providing for future review and repeal; providing an effective date.

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

Session Vote Sequence: 1037

Yeas—101

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

Nays—14

Argenziano	Bilirakis	Cantens	Crow
Attkisson	Brummer	Carassas	Fields

Flanagan Gottlieb Romeo Weissman
Gannon Kravitz

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

HB 1427—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing an effective date.

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

Session Vote Sequence: 1038

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 2015—A bill to be entitled An act relating to governmental reorganization; amending ss. 13.05, 14.202, 14.24, 112.215, 114.03, 121.0312, 121.055, 121.4501, 215.44, 215.62, 215.95, and 253.02, F.S.; changing the number and composition of certain boards, committees, commissions, and councils to conform memberships to reflect the reorganization of the constitutional officers of the Cabinet as members of such boards, committees, commissions, and councils; providing an effective date.

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

Session Vote Sequence: 1039

Yeas—118

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

SB 1020—A bill to be entitled An act relating to payment-card transactions; providing restrictions on the information that may be printed on receipts for certain payment-card transactions; providing penalties; providing for enforcement; providing an effective date.

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

Session Vote Sequence: 1040

Yeas—118

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

Sorensen	Trovillion	Weissman	Wilson
Spratt	Wallace	Wiles	Wishner
Stansel	Waters		

Nays—None

Votes after roll call:

Yeas—Justice

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

SB 274—A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08 and 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data processing software by an agency; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and

related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; repealing s. 591.34, F.S.; eliminating a procedure by which permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees; amending s. 27.151, F.S.; expanding considerations of the Governor in making an executive order confidential; correcting a cross reference; amending s. 399.02, F.S.; eliminating a confidentiality requirement of the Department of Business and Professional Regulation with respect to the names of companies under contract to provide elevator service maintenance; amending s. 655.0321, F.S.; expanding considerations of the Department of Banking and Finance in determining whether specified hearings and proceedings and documents related thereto shall be exempt from public records and meetings requirements; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 231.291, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; designating the Records Management Center of the Department of State as the "James C. 'Jim' Smith Records Center"; providing an effective date.

—was read the third time by title.

Motion to Reconsider

Rep. Trovillion moved that the House reconsider the vote by which **Amendment 1 to SB 274** was adopted on March 14 (shown in the *Journal* on pages 1251-1268), which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 1041

Yeas—77

The Chair	Argenziano	Baker	Bense
Alexander	Arza	Barreiro	Benson
Allen	Attkisson	Bean	Berfield
Andrews	Atwater	Bennett	Bilirakis

Bowen	Fiorentino	Kilmer	Paul
Brown	Flanagan	Kottkamp	Pickens
Brummer	Garcia	Kravitz	Prieguez
Byrd	Gardiner	Kyle	Ross
Cantens	Gibson	Lacasa	Rubio
Clarke	Goodlette	Littlefield	Russell
Crow	Green	Lynn	Simmons
Davis	Haridopolos	Mack	Sorensen
Detert	Harrell	Mahon	Spratt
Diaz de la Portilla	Harrington	Mayfield	Stansel
Diaz-Balart	Hart	Maygarden	Trovillion
Dockery	Hogan	Mealor	Wallace
Evers	Johnson	Melvin	Waters
Farkas	Jordan	Murman	
Fasano	Kallinger	Needelman	
Feeney	Kendrick	Negron	

Nays—40

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

On motion by Rep. Trovillion, pending roll call, further consideration of **SB 274** was temporarily postponed under Rule 11.10.

CS/HB 1127 was taken up. On motion by Rep. Negron, the rules were waived and—

CS for SB 720—A bill to be entitled An act relating to probate and trusts; amending s. 660.46, F.S.; conforming provisions relating to trust accountings; amending s. 732.2025, F.S.; redefining the term “qualifying special needs trust” established for a surviving spouse; amending s. 731.303, F.S.; clarifying existing law regarding representation in the administration of a trust; providing for retroactive application; amending s. 732.2075, F.S.; revising provisions governing sources from which the elective share is payable; amending s. 733.107, F.S.; clarifying the circumstances which shift the burden of proof in certain proceedings contesting the validity of a will; amending s. 733.702, F.S.; clarifying the limitation on the presentation of claims; creating s. 737.115, F.S.; requiring certain trusts to contain a specified notice; creating s. 737.116, F.S.; providing for the establishment of trusts for an animal; creating s. 737.209, F.S.; codifying existing law regarding improper distribution in the administration of a trust; amending s. 737.303, F.S.; making conforming amendments relating to the duty to inform and with respect to trust accounting; creating s. 737.3035, F.S.; codifying trust accounting principles; amending s. 737.307, F.S.; requiring notice of statute of limitations to trust beneficiaries; providing for application; providing an effective date.

—was substituted for CS/HB 1127 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Negron, the rules were waived and CS for SB 720 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1042

Yeas—117

The Chair	Atwater	Bense	Brummer
Alexander	Ausley	Benson	Brutus
Allen	Baker	Berfield	Bucher
Andrews	Barreiro	Betancourt	Bullard
Argenziano	Bean	Bilirakis	Byrd
Arza	Bendross-Mindingall	Bowen	Cantens
Attkisson	Bennett	Brown	Carassas

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

Nays—None

Votes after roll call:

Yeas—Justice, Lynn

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

HB 2013—A bill to be entitled An act relating to public records; amending s. 440.125, F.S.; creating a public records exemption for medical records and medical reports of an injured employee and an injured employee’s identifying information contained in medical bills provided to the Agency for Health Care Administration and the Department of Education; providing exceptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 1043

Yeas—99

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

Nays—18

Argenziano	Dockery	Gottlieb	Rich
Arza	Fiorentino	Joyner	Smith
Bennett	Flanagan	Kravitz	Weissman
Carassas	Gannon	Lerner	
Cusack	Goodlette	Peterman	

Votes after roll call:

Yeas—Lynn

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

HB 307—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys and assistant public defenders for the repayment of government student loans; providing for the elements of the program; providing for funding; providing an effective date.

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

Session Vote Sequence: 1044

Yeas—113

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

Nays—1

Garcia

Votes after roll call:

Yeas—Bean, Justice, Kallinger

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

HB 1575—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.4503, F.S.; creating the Public Employee Optional Retirement Program Clearing Trust Fund, to be administered by the Department of Management Services as a retirement clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

—was read the third time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 661701)

Amendment 2 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 121.4503, Florida Statutes, is created to read:

121.4503 Florida Retirement System Contributions Clearing Trust Fund.—

(1) The Florida Retirement System Contributions Clearing Trust Fund is created as a clearing fund for disbursing employer contributions to the component plans of the Florida Retirement System and shall be administered by the Department of Management Services. Funds shall be credited to the trust fund as provided in chapter 121 and shall be held in trust for the contributing employers until such time as the assets are transferred by the department to the Florida Retirement System Trust Fund, the Public Employee Optional Retirement Program Trust Fund, or other trust funds as authorized by law, to be used for the purposes of this chapter. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) The Florida Retirement System Contributions Clearing Trust Fund is a clearing trust fund of the Department of Management Services pursuant to s. 19(f), Art. III of the State Constitution, and is not subject to termination.

Section 2. *The Department of Management Services may adopt rules governing the receipt and disbursement of amounts received by the Florida Retirement System Contributions Clearing Trust Fund from employers contributing to the component plans of the Florida Retirement System.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 4,
remove: all of said line

and insert: the Florida Retirement System Contributions

Rep. Fasano moved the adoption of the amendment.

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

The question recurred on the adoption of **Amendment 2**, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1575. The vote was:

Session Vote Sequence: 1045

Yeas—118

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 2019—A bill to be entitled An act relating to exemption from public records and meeting requirements; creating s. 1005.385, F.S.; creating an exemption from public records requirements for specified complaints filed with the Commission for Independent Education and all information obtained pursuant to the investigation of such complaints by the commission; providing a time limitation for the exemption; providing an exception to the exemption; creating an exemption from public meeting requirements for proceedings of the commission's probable-cause panel; providing a time limitation for the exemption; providing for future review and repeal of the exemptions; providing findings of public necessity; providing a conditional effective date.

—was read the third time by title.

Further consideration of **HB 2019** was temporarily postponed under Rule 11.10.

CS/CS/HB 1825—A bill to be entitled An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education;

amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.401, 413.445, 413.615, and 944.012, F.S.; revising language and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

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

Session Vote Sequence: 1046

Yeas—116

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

Nays—1

Arza

Votes after roll call:

Yeas—Justice

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

CS/CS/CS/HB 519—A bill to be entitled An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for future repeal; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; requiring board review of a nursing program under certain circumstances; amending s. 464.022, F.S.; providing an exemption from

licensure for a nurse licensed in a territory of the United States; providing an appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities; requiring matching of appropriated funds; providing for rules; providing eligibility criteria; providing an effective date.

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

Session Vote Sequence: 1047

Yeas—117

The Chair	Davis	Holloway	Peterman
Alexander	Detert	Jennings	Pickens
Allen	Diaz de la Portilla	Johnson	Prieguez
Andrews	Diaz-Balart	Jordan	Rich
Argenziano	Dockery	Joyner	Richardson
Arza	Evers	Kallinger	Ritter
Attkisson	Farkas	Kendrick	Romeo
Atwater	Fasano	Kilmer	Ross
Ausley	Feeney	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Barreiro	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	Maygarden	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Murman	Wishner
Carassas	Henriquez	Needelman	
Clarke	Heyman	Negron	
Crow	Hogan	Paul	

Nays—None

Votes after roll call:

Yeas—Cusack, Justice

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

CS/CS/HB 401—A bill to be entitled An act relating to community college required instruction; amending s. 240.325, F.S.; requiring community college general education requirements to include civics instruction which focuses on American national government; providing an effective date.

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

Session Vote Sequence: 1048

Yeas—118

The Chair	Bean	Brutus	Diaz de la Portilla
Alexander	Bendross-Mindingall	Bucher	Diaz-Balart
Allen	Bennett	Bullard	Dockery
Andrews	Bense	Byrd	Dockery
Argenziano	Benson	Cantens	Farkas
Arza	Berfield	Carassas	Fasano
Attkisson	Betancourt	Clarke	Feeney
Atwater	Bilirakis	Crow	Fields
Ausley	Bowen	Cusack	Fiorentino
Baker	Brown	Davis	Flanagan
Barreiro	Brummer	Detert	Frankel

Gannon	Johnson	Maygarden	Ryan
Garcia	Jordan	McGriff	Seiler
Gardiner	Joyner	Meadows	Simmons
Gelber	Kallinger	Mealor	Siplin
Gibson	Kendrick	Melvin	Slosberg
Goodlette	Kilmer	Murman	Smith
Gottlieb	Kosmas	Needelman	Sobel
Green	Kottkamp	Negron	Sorensen
Greenstein	Kravitz	Paul	Spratt
Haridopolos	Kyle	Peterman	Stansel
Harper	Lacasa	Pickens	Trovillion
Harrell	Lee	Prieguez	Wallace
Harrington	Lerner	Rich	Waters
Hart	Littlefield	Richardson	Weissman
Henriquez	Lynn	Ritter	Wiles
Heyman	Machek	Romeo	Wilson
Hogan	Mack	Ross	Wishner
Holloway	Mahon	Rubio	
Jennings	Mayfield	Russell	

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 355—A bill to be entitled An act relating to public school health care services; creating s. 381.00593, F.S.; creating a public school volunteer health care practitioner program; providing a short title; providing purpose; providing a definition; providing for waiver of biennial active license renewal fees and fulfillment of a portion of continuing education hours for specified health care practitioners who provide their services, without compensation, in the public schools; providing program and eligibility requirements; providing for payment of any resulting increase in liability insurance premiums; providing administrative responsibilities; providing a limitation on implementation; providing rulemaking authority; providing for implementation; providing an effective date.

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

Session Vote Sequence: 1049

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Ausley, Justice

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

HB 1951—A bill to be entitled An act relating to public records and meetings; amending s. 119.07, F.S.; exempting certain procurement documents from public records requirements; clarifying trade secret protection; amending s. 287.0595, F.S.; exempting certain procurement documents held by the Department of Environmental Protection from public records requirements; clarifying trade secret protection; providing for future review and repeal of the exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

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

Session Vote Sequence: 1050

Yeas—79

The Chair	Byrd	Hogan	Melvin
Alexander	Cantens	Holloway	Murman
Andrews	Clarke	Jennings	Needelman
Attkisson	Davis	Johnson	Negron
Atwater	Detert	Jordan	Pickens
Ausley	Evers	Kallinger	Ross
Baker	Farkas	Kendrick	Russell
Barreiro	Fasano	Kilmer	Seiler
Bendross-Mindingall	Feeney	Kosmas	Simmons
Bense	Frankel	Kottkamp	Sobel
Benson	Gardiner	Kyle	Sorensen
Berfield	Gelber	Lacasa	Spratt
Betancourt	Gibson	Lee	Stansel
Bilirakis	Green	Littlefield	Trovillion
Bowen	Greenstein	Mack	Wallace
Brown	Haridopolos	Mahon	Waters
Brummer	Harrell	Mayfield	Wiles
Brutus	Harrington	Maygarden	Wilson
Bucher	Hart	Meadows	Wishner
Bullard	Heyman	Mealor	

Nays—38

Allen	Dockery	Joyner	Ritter
Argenziano	Fields	Kravitz	Romeo
Arza	Fiorentino	Lerner	Rubio
Bean	Flanagan	Lynn	Ryan
Bennett	Gannon	McGriff	Siplin
Carassas	Garcia	Paul	Slosberg
Crow	Goodlette	Peterman	Smith
Cusack	Gottlieb	Prieguez	Weissman
Diaz de la Portilla	Harper	Rich	
Diaz-Balart	Henriquez	Richardson	

Votes after roll call:

Yeas to Nays—Wiles

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

HB 1953—A bill to be entitled An act relating to trust fund administration; creating s. 215.3201, F.S.; designating certain trust funds for use for day-to-day operations for specified purposes; providing for development and implementation of a consistent trust fund titling and coding plan; requiring maintenance of a web-accessible catalog of state trust funds and providing requirements thereof; amending s. 215.3208, F.S.; requiring consideration of the fiscal analysis and related

recommendations for a trust fund in the legislative review of the trust fund; providing for adjustment of a trust fund's revenues to match the expenditures authorized for its programs; creating s. 215.3209, F.S.; providing for fiscal analysis of trust funds in conjunction with their scheduled review prior to termination; providing requirements of such an analysis; requiring submission of such analyses to the Governor and Legislature; providing for recommendations for maximum trust fund unencumbered balance levels and appropriate service fees; providing for abatement of receipts to a trust fund under certain circumstances; amending s. 216.023, F.S.; requiring legislative budget requests to contain an accounting reconciliation report and certain summary and other information on trust funds and fees; providing an effective date.

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

Session Vote Sequence: 1051

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1181—A bill to be entitled An act relating to safe transportation for children; creating s. 335.066, F.S.; establishing the Safe Paths to Schools Program in the Department of Transportation; requiring consideration of the planning and construction of bicycle and pedestrian ways; authorizing a grant program to fund projects; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 1052

Yeas—117

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Barreiro
Allen	Arza	Ausley	Bean

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

Nays—None

Votes after roll call:

Yeas—Fiorentino, Justice

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

SB 1914—A bill to be entitled An act relating to student financial assistance; amending s. 240.409, F.S., relating to the Florida Public Student Assistance Grant Program; authorizing grants to part-time degree-seeking students; revising provisions relating to the maximum amount of the grants; providing an effective date.

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

Session Vote Sequence: 1053

Yeas—118

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 1661—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring school advisory councils to adopt bylaws; requiring that the bylaws include procedures for establishing a quorum, requiring notice of meetings, and replacing members; authorizing the district school board to review the proposed bylaws; providing an effective date.

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

Session Vote Sequence: 1054

Yeas—116

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

Nays—1

Bean

Votes after roll call:

Yeas—Justice, Kallinger

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

CS/HB 65—A bill to be entitled An act relating to restriction on employment of relatives by individual school board members; amending s. 230.23, F.S.; prohibiting individual school board members from appointing, employing, contracting with, promoting, or advancing a relative of such school board members; providing an effective date.

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

Session Vote Sequence: 1055

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice, Smith

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

CS for SB 176—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers and firefighters; amending ss. 112.19, 112.191, F.S.; providing for graduate or postbaccalaureate educational expenses to be waived for children of officers or firefighters killed in the line of duty; providing for the waiver to apply to a state resident who attends a state institution as a full-time or part-time student until a specified age; providing an effective date.

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

Session Vote Sequence: 1056

Yeas—118

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 1171 was taken up. On motion by Rep. Harrell, the rules were waived and—

CS for CS for SB 1136—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Florida Whales specialty license plate; providing an annual use fee; providing for the distribution of the use fees received; providing an effective date.

—was substituted for CS/HB 1171 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Harrell, the rules were waived and CS for CS for SB 1136 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1057

Yeas—108

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

Nays—10

Arza	Dockery	Hogan	Paul
Brummer	Goodlette	Kendrick	Waters
Detert	Green		

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

CS for SB 366—A bill to be entitled An act relating to state uniform traffic control; creating the “Move Over Act”; amending s. 316.126, F.S.; providing requirements with respect to authorized emergency vehicles making use of visual signals when parked; providing for the disposition of fines; amending s. 316.2397, F.S.; authorizing the use of emergency lights and sirens on certain vehicles; authorizing wreckers to use amber rotating or flashing lights under certain circumstances; amending s. 318.18, F.S.; providing a penalty for a violation of s. 316.126(1)(b), F.S.; amending s. 318.21, F.S.; providing a civil penalty for violation of s. 316.126(1)(b), F.S.; providing an effective date.

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

Session Vote Sequence: 1058

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 877 was taken up. On motion by Rep. Spratt, the rules were waived and—

SB 1794—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain additional counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones or communities for certain purposes; amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing an effective date.

—was substituted for HB 877 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

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

Representative(s) Spratt offered the following:

(Amendment Bar Code: 324101)

Amendment 1 (with title amendment)—On page 2, lines 18-30, remove: all of said lines

And the title is amended as follows:

On page 1, lines 8-11, remove: all of said lines

and insert: providing an

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

On motion by Rep. Spratt, the rules were waived and SB 1794, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1059

Yeas—117

The Chair	Davis	Holloway	Peterman
Alexander	Detert	Jennings	Pickens
Allen	Diaz de la Portilla	Johnson	Prieguez
Andrews	Diaz-Balart	Jordan	Rich
Argenziano	Dockery	Joyner	Richardson
Arza	Evers	Kallinger	Ritter
Attkisson	Farkas	Kendrick	Romeo
Atwater	Fasano	Kilmer	Ross
Ausley	Feeney	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Barreiro	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	Maygarden	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Murman	Wishner
Carassas	Henriquez	Needelman	
Clarke	Heyman	Negron	
Crow	Hogan	Paul	

Nays—None

Votes after roll call:

Yeas—Cusack, Justice

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

CS/HB 635—A bill to be entitled An act relating to tourism industry recovery; providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; providing an effective date.

—was read the third time by title.

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

Representative(s) Cantens offered the following:

(Amendment Bar Code: 594473)

Amendment 1 (with title amendment)—On page 4, between lines 29 and 30,

insert:

Section 3. Paragraph (b) of subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; ~~or~~
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20; *or*
4. *Convert existing development rights held by a private entity to a lease hold interest on any parcel of real property of 5 acres or less;*

under such terms and conditions as negotiated by the board.

And the title is amended as follows:

On page 1, line 13, after the semicolon,

insert: amending s. 125.35, F.S.; authorizing boards of county commissioners to lease without a competitive process certain property;

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

The question recurred on the passage of CS/HB 635. The vote was:

Session Vote Sequence: 1060

Yeas—112

The Chair	Brutus	Gardiner	Kendrick
Alexander	Bucher	Gelber	Kilmer
Allen	Bullard	Gibson	Kosmas
Andrews	Byrd	Goodlette	Kottkamp
Argenziano	Cantens	Gottlieb	Kyle
Attkisson	Carassas	Green	Lacasa
Atwater	Clarke	Greenstein	Lee
Ausley	Crow	Haridopolos	Lerner
Baker	Cusack	Harper	Littlefield
Barreiro	Davis	Harrell	Lynn
Bean	Detert	Harrington	Machek
Bendross-Mindingall	Diaz de la Portilla	Hart	Mack
Bennett	Diaz-Balart	Henriquez	Mahon
Bense	Evers	Heyman	Mayfield
Benson	Farkas	Hogan	Maygarden
Berfield	Fasano	Holloway	McGriff
Betancourt	Feeney	Jennings	Meadows
Bilirakis	Fields	Johnson	Mealor
Bowen	Frankel	Jordan	Melvin
Brown	Gannon	Joyner	Murman
Brummer	Garcia	Kallinger	Needelman

Negron	Ritter	Simmons	Trovillion
Paul	Romeo	Siplin	Wallace
Peterman	Ross	Smith	Waters
Pickens	Rubio	Sobel	Weissman
Prieguez	Russell	Sorensen	Wiles
Rich	Ryan	Spratt	Wilson
Richardson	Seiler	Stansel	Wishner

Nays—1

Fiorentino

Votes after roll call:

Yeas—Arza, Flanagan, Justice, Kravitz

Nays—Dockery

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

HB 1633—A bill to be entitled An act relating to unclaimed bodies; amending s. 245.06, F.S.; providing procedures for disposition of unclaimed bodies of veterans; requiring that any contract for disposal of unclaimed remains by a local governmental entity provide for compliance with certain state and federal regulations; providing an effective date.

—was read the third time by title.

Representative(s) Baxley offered the following:

(Amendment Bar Code: 741951)

Amendment 1 (with title amendment)—On page 1, line 13,

insert:

Section 1. *Sections 1-30 of this act may be cited as the “Funeral and Cemetery Services Industry Regulatory Unification Act.”*

Section 2. *All of the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of chapter 497, Florida Statutes, shall be transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, from the Department of Banking and Finance to the Department of Business and Professional Regulation.*

Section 3. *The transfer of regulatory authority over chapter 497, Florida Statutes, provided by this act shall not affect the validity of any judicial or administrative proceeding pending as of September 30, 2002, and the Department of Business and Professional Regulation shall be substituted for the Department of Banking and Finance as a party in interest.*

Section 4. *Notwithstanding the transfer of regulatory authority over chapter 497, Florida Statutes, provided by this act, all licenses and registrations issued pursuant to chapter 497, Florida Statutes, which are valid on September 30, 2001, shall remain in effect subject to the provisions of chapter 497, Florida Statutes.*

Section 5. (1) *The terms of all current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services shall expire on October 1, 2002. Members shall be appointed to the new Board of Funeral Directors and Cemeteries pursuant to s. 470.003, Florida Statutes, to terms beginning on October 1, 2002, and staggered as follows, notwithstanding s. 470.003(3), Florida Statutes:*

(a) *Three members shall be appointed for terms of 2 years each, one of whom must be a funeral director member, one of whom must be a cemetery owner or operator member, and one of whom must be a consumer member.*

(b) *Three members shall be appointed for terms of 3 years each, one of whom must be a funeral director member, one of whom must be a cemetery owner or operator member, and one of whom must be a consumer member.*

(c) *Three members shall be appointed for terms of 4 years each, one of whom must be a funeral director member, one of whom must be a cemetery owner or operator member, and one of whom must be the monument dealer member.*

As the terms of these members expire, the Governor shall appoint their successors for terms of 4 years in accordance with s. 470.003(3), Florida Statutes.

(2) *This section shall take effect upon this act becoming a law.*

Section 6. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.
2. Florida Board of Auctioneers, created under part VI of chapter 468.
3. Barbers' Board, created under chapter 476.
4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. Board of Cosmetology, created under chapter 477.
7. Electrical Contractors' Licensing Board, created under part II of chapter 489.
8. Board of Employee Leasing Companies, created under part XI of chapter 468.
9. Board of Funeral Directors and ~~Cemeteries Embalmers~~, created under chapter 470.
10. Board of Landscape Architecture, created under part II of chapter 481.
11. Board of Pilot Commissioners, created under chapter 310.
12. Board of Professional Engineers, created under chapter 471.
13. Board of Professional Geologists, created under chapter 492.
14. Board of Professional Surveyors and Mappers, created under chapter 472.
15. Board of Veterinary Medicine, created under chapter 474.

Section 7. Section 215.321, Florida Statutes, is amended to read:

215.321 Regulatory Trust Fund.—All funds received pursuant to ss. 494.001-494.0077, ~~chapter 497~~, chapter 516, chapter 520, or part I of chapter 559 shall be deposited into the Regulatory Trust Fund.

Section 8. Subsection (1) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Funeral directors and embalmers; instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The Board of Funeral Directors and ~~Cemeteries Embalmers~~ shall require each person licensed or certified under chapter 470 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency

syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

Section 9. Subsection (2) of section 470.002, Florida Statutes, is amended to read:

470.002 Definitions.—As used in this chapter:

(2) "Board" means the Board of Funeral Directors and ~~Cemeteries Embalmers~~.

Section 10. Section 470.003, Florida Statutes, is amended to read:

470.003 Board of Funeral Directors and ~~Cemeteries Embalmers~~; membership; appointment; terms; ~~headquarters~~.—

(1) The Board of Funeral Directors and ~~Cemeteries Embalmers~~ is created within the Department of Business and Professional Regulation and shall consist of ~~nine seven~~ members appointed by the Governor and confirmed by the Senate.

(2) ~~Three Five~~ members of the board must be funeral directors licensed under this chapter, ~~no more than two of whom may be associated with a cemetery company through ownership interests or through employment with a company which has an ownership interest in a cemetery. Three members must be owners or operators of a cemetery licensed under chapter 497. The remaining Two~~ members must be residents of the state who have never been licensed as funeral directors or embalmers and who are in no way connected with a cemetery, the death care industry, or the practice of embalming, funeral directing, or direct disposition. *One member must be a monument dealer affiliated with a monument establishment registered under chapter 497.* At least one consumer member of the board must be 60 years of age or older. No licensee on the board may be associated by employment or ownership with a funeral establishment or cemetery which is owned partly or wholly by a person, business, corporation, or other entity which is associated with another licensee on the board.

(3) The Governor shall appoint members for terms of 4 years, and such members shall serve until their successors are appointed.

(4) *The board may be contacted through the headquarters of the department in the City of Tallahassee.*

(5)(4) All provisions of chapter 455 and s. 20.165 relating to activities of regulatory boards shall apply.

Section 11. Paragraph (d) of subsection (2) of section 470.017, Florida Statutes, is amended to read:

470.017 Registration as a direct disposer.—

(2) Any person who desires to be registered as a direct disposer shall file an application with the department on a form furnished by the department. The department shall register each applicant who has remitted a registration fee set by the department, not to exceed \$200; has completed the application form and remitted a nonrefundable application fee set by the department, not to exceed \$50; and meets the following requirements:

(d) Has received a passing grade in *the following* a college credit courses, as provided by rule of the board: ~~course in~~ Florida mortuary law, ethics, microbiology-infectious diseases, thanatology, and accounting.

Section 12. Subsection (2) of section 470.018, Florida Statutes, is amended to read:

470.018 Renewal of registration of direct disposer.—

(2) The department shall adopt rules establishing a procedure for the biennial renewal of registrations. The board shall prescribe by rule continuing education requirements of up to ~~6 3~~ classroom hours and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis, in addition to a board-approved course on communicable diseases that includes the course on human immunodeficiency virus and acquired immune deficiency syndrome required by s. 455.2226, for the renewal of a registration.

Section 13. Section 470.0295, Florida Statutes, is amended to read:

470.0295 Disinterment; transportation; authorization and notification.—

(1) The disinterment and reinterment of human remains shall require the physical presence of a licensed funeral director, ~~unless the reinterment is to be made in the same cemetery.~~

(2) In order to ensure that any disinterment or transportation of a dead human body is conducted in a manner that properly protects the public health, safety, and welfare, the board may adopt rules to regulate the disinterment and transportation of human remains.

(3)(a) The funeral director shall obtain written authorization from a legally authorized person or a court of competent jurisdiction *and must obtain a disinterment permit from the local registrar of vital statistics* prior to the disinterment and reinterment of a dead human body.

(b) *The department in consultation with the Department of Health, shall adopt rules governing the issuance of disinterment permits.*

(c) *Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(4) Notification must be provided to the board and department as provided in s. 470.029.

(5) The removal of human remains from a designated temporary storage area to a place of permanent burial within a cemetery shall not be considered a disinterment or reinterment.

Section 14. Section 470.0355, Florida Statutes, is amended to read:

470.0355 Identification of human remains.—

(1) The licensee or registrant in charge of the final disposition of dead human remains shall, prior to final disposition of such dead human remains, affix on the ankle or wrist of the deceased, *and affix on or otherwise attach to or in the casket and outer burial container or any alternative container or cremation container, proper identification of the dead human remains. The identification or tag shall be encased in or consist of durable and long-lasting material containing the name, date of birth, and date of death, and social security number of the deceased, if available. If the dead human remains are cremated, proper identification shall be placed in the container or urn containing the remains.*

(2) Any licensee or registrant responsible for removal of dead human remains to any establishment, facility, or location shall ensure that the remains are identified by a tag or other means of identification that is affixed to the ankle or wrist of the deceased at the time the remains are removed from the place of death or other location. *The tag or other identification shall not be removed from the human remains, except to relocate the tag or other identification from the ankle to the wrist or from the wrist to the ankle. The tag or other identification must accompany the remains until final disposition. When cremation is the final disposition, the tag or other identification may be removed just prior to cremation and in that event shall be maintained within the permanent file.*

(3) Any licensee or registrant may rely on the representation of a legally authorized person to establish the identity of dead human remains.

(4) *The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the requirements and operating procedures for the identification of human remains set forth in this section.*

(5) *The department may file an action for civil penalties of up to \$10,000 against any person who violates this section or any rule adopted hereunder. A licensee is entitled to a hearing pursuant to chapter 120 to contest the penalty.*

(6) *In addition to any other remedies provided under law, a party who is injured by a violation of this part may file a civil action for recovery of actual and punitive damages, including costs and attorney's fees. This part does not limit any right or remedy provided under law.*

(7) *A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 15. Subsections (4) and (16) of section 497.005, Florida Statutes, are amended to read:

497.005 Definitions.—As used in this chapter:

(4) “Board” means the Board of Funeral Directors and Cemeteries ~~created under s. 470.003 Cemetery Services.~~

(16) “Department” means the Department of *Business and Professional Regulation* ~~Banking and Finance.~~

Section 16. Subsection (3) of section 497.103, Florida Statutes, is amended to read:

497.103 Rulemaking authority of board and department.—

(3) The board shall adopt and enforce rules governing the operation of cemeteries in this state and arrange for the preparation, publication, and dissemination to the public of these rules and other information and material relevant to the operation of cemeteries. *Such rules shall include establishing reasonable times for access to all cemeteries, including the time of day and days of the week for access to install monuments and markers.*

Section 17. Section 497.105, Florida Statutes, is amended to read:

497.105 ~~Department of Banking and Finance; Powers and duties of department.—The department of Banking and Finance shall:~~

(1) Adopt rules establishing procedures for the renewal of licenses, registrations, and certificates of authority.

(2) Appoint the executive director of the board of ~~Funeral and Cemetery Services~~, subject to the approval of the board.

(3) With the advice of the board, submit a biennial budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on the board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation under this chapter and with the structure of the department.

(5) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

(6) Establish by rule procedures by which the department shall use the expert or technical advice of the board, for the purposes of investigation, inspection, audit, evaluation of applications, other duties of the department, or any other areas the department may deem appropriate.

(7) Require all proceedings of the board or panels thereof within the department and all formal or informal proceedings conducted by the department, an administrative law judge, or a hearing officer with respect to licensing, registration, certification, or discipline to be electronically recorded in a manner sufficient to ensure the accurate transcription of all matters so recorded.

(8) Select only those investigators approved by the board. Such investigators shall report to and work in coordination with the executive director of the board and are responsible for all inspections and investigations other than financial examinations.

Section 18. Section 497.117, Florida Statutes, is amended to read:

497.117 Legal and investigative services.—

(1) The Department of Legal Affairs shall provide legal services to the board ~~within the Department of Banking and Finance~~, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the board with respect to its obligations under the laws of the state. Subject to the prior approval of the Attorney General, the board may retain independent legal counsel to provide legal advice to the

board on a specific matter. Fees and costs of such counsel shall be paid from the *Professional Regulation Regulatory Trust Fund* of the department of ~~Banking and Finance~~.

(2) The Department of *Business and Professional Regulation* ~~Banking and Finance~~ may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter or provide legal services to the board with respect to the same matter.

Section 19. Subsections (2) and (3) of section 497.201, Florida Statutes, are amended to read:

497.201 Cemetery companies; license; application; fee.—

(2) The department may require any person desiring to establish a cemetery company who applies for a license to provide any information reasonably necessary to make a determination of the applicant's eligibility for licensure. Any person desiring to establish a cemetery company shall first:

(a) File an application, which states the exact location of the proposed cemetery, which site shall contain not less than 15 ~~30~~ contiguous acres; provide a financial statement signed by all officers of the company which attest to a net worth of at least \$50,000, which net worth must be continuously maintained as a condition of licensure; and pay an application fee of \$5,000;

(b) Create a legal entity; and

(c) Demonstrate to the satisfaction of the board that the applicant possesses the ability, experience, financial stability, and integrity to operate a cemetery.

(3) If the board finds that the applicant meets the criteria established in subsection (2), the department shall notify the applicant that a license will be issued when:

(a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company operating pursuant to chapter 660, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.423.

(b) The applicant has filed with the department development plans which are sufficient to ensure the department that the cemetery will provide adequate service to the community and which have been approved by the appropriate local governmental agency regulating zoning in the area of the proposed cemetery.

(c) The applicant holds an unencumbered fee simple title to at least 30 contiguous acres of land.

(d) The applicant has designated as general manager a person who has integrity, 3 years of cemetery management experience as defined by board rule, and the ability to operate a cemetery.

(e) The applicant has fully developed not less than 2 acres for use as burial space, such development to include a paved road from a public roadway to the developed section.

(f) The applicant has recorded, in the public records of the county in which the land is located, a notice which contains the following language:

NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of *Business and Professional Regulation* ~~Banking and Finance~~, as provided in the Florida Funeral and Cemetery Services Act.

Such notice shall be clearly printed in boldfaced type of not less than 10 points and may be included on the face of the deed of conveyance to the licensee or may be contained in a separate recorded instrument which contains a description of the property.

Section 20. Paragraph (x) of subsection (1) of section 497.233, Florida Statutes, is amended to read:

497.233 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(x) Sale of an irrevocable preneed contract to a person who is not an applicant for or recipient of Supplemental Security Income, Aid to Families with Dependent Children, or Medicaid pursuant to s. 497.419(8)(7).

Section 21. Section 497.253, Florida Statutes, is amended to read:

497.253 Minimum acreage; sale or disposition of cemetery lands.—

(1) Each licensee shall set aside a minimum of 15 ~~30~~ contiguous acres of land for use by the licensee as a cemetery and shall not sell, mortgage, lease, or encumber that property without prior written approval of the department.

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum of 15 ~~30~~ contiguous acres described in subsection (1), may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the department pursuant to subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 470.0295 and 497.515(7) must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and vested in the licensee prior to consummation of any such sale, conveyance, or disposition.

(3)(a) If the property to be sold, conveyed, or disposed of under subsection (2) has been or is being used for the permanent interment of human remains, the applicant for approval of such sale, conveyance, or disposition shall cause to be published, at least once a week for 4 consecutive weeks, a notice meeting the standards of publication set forth in s. 125.66(4)(b)2. The notice shall describe the property in question and the proposed noncemetery use and shall advise substantially affected persons that they may file a written request for a hearing pursuant to chapter 120, within 14 days after the date of last publication of the notice, with the department if they object to granting the applicant's request to sell, convey, or dispose of the subject property for noncemetery uses.

(b) If the property in question has never been used for the permanent interment of human remains, no notice or hearing is required.

(c) If the property in question has been used for the permanent interment of human remains, the department shall approve the application, in writing, if it finds that it would not be contrary to the public interest. In determining whether to approve the application, the department shall consider any evidence presented concerning the following:

1. The historical significance of the subject property, if any.
2. The archaeological significance of the subject property, if any.
3. The public purpose, if any, to be served by the proposed use of the subject property.
4. The impact of the proposed change in use of the subject property upon the reasonable expectations of the families of the deceased regarding whether the cemetery property was to remain as a cemetery in perpetuity.

5. Whether any living relatives of the deceased actively oppose the relocation of their deceased's remains and the conversion of the subject property to noncemetery uses.

6. The elapsed time since the last interment in the subject property.

7. Any other factor enumerated in this chapter that the department considers relevant to the public interest.

(d) Any deed, mortgage, or other conveyance by a cemetery company or other owner pursuant to *paragraphs subsections* (a) and (c) above must contain a disclosure in the following or substantially similar form:

NOTICE: The property described herein was formerly used and dedicated as a cemetery. Conveyance of this property and its use for noncemetery purposes was authorized by the Florida Department of *Business and Professional Regulation Banking and Finance* by Order No., dated

(e) The department shall adopt such rules as are necessary to carry out the provisions of this section.

(4) A licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this chapter, provided the municipality or county will accept responsibility for maintenance thereof and prior written approval of the department is obtained.

(5) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage *do shall* not apply to any cemetery company licensed by the department on or before July 1, 2002 ~~2001~~, which owns a total of less than 30 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

Section 22. Subsection (3) of section 497.305, Florida Statutes, is amended to read:

497.305 Cemetery companies; authorized functions.—

(3) A cemetery company may adopt bylaws establishing minimum standards for burial merchandise or the installation thereof. *However, a cemetery company may not restrict access to any cemetery by any person needing access to install a monument or marker on behalf of a registered monument establishment, provided such access is within the reasonable times for access established by the board by rule.*

Section 23. Subsection (2) of section 497.325, Florida Statutes, is amended to read:

497.325 Illegal tying arrangements.—

(2)(a) Noncemetery licensed persons and firms shall have the right to sell monuments and to perform or provide on cemetery property foundation, preparation, and installation services for monuments. However, a cemetery company or any other entity owning and operating a cemetery may establish reasonable rules regarding the style and size of a monument or its foundation, provided such rules are applicable to all monuments from whatever source obtained and are enforced uniformly as to all monuments. Such rules shall be conspicuously posted and readily accessible to inspection and copy by interested persons.

(b) No person who is authorized to sell grave space and no cemetery company or other entity owning and operating a cemetery may:

1. Require the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument;

2. Refuse to provide care or maintenance for any portion of a gravesite on which a monument has been placed; or

3. Waive liability with respect to damage caused by cemetery employees or agents to a monument after installation,

where the monument or installation service is not purchased from the person authorized to sell grave space or the cemetery company or other legal entity providing grave space or from or through any other person or corporation designated by the person authorized to sell grave space or the cemetery company or other legal entity providing grave space. No cemetery company or other entity owning and operating a cemetery may

be held liable for the improper installation of a monument where the monument is not installed by the cemetery company or its agents or by such other entity or its agents.

Section 24. Subsection (6) of section 497.333, Florida Statutes, is amended to read:

497.333 Disclosure of information to public.—A licensee offering to provide burial rights, merchandise, or services to the public shall:

(6) Provide to the customer, upon the purchase of any burial right, merchandise, or service, a written contract, the form of which has been approved by the board.

(a) The written contract shall be completed as to all essential provisions prior to the signing of the contract by the customer.

(b) The written contract shall provide an itemization of the amounts charged for all services, merchandise, and fees, which itemization shall be clearly and conspicuously segregated from everything else on the written contract.

(c) A description of the merchandise covered by the contract to include, when applicable, model, manufacturer, and other relevant specifications.

(d) A complete description of any grave space to be used for the interment of human remains.

Section 25. Subsection (5) of section 497.361, Florida Statutes, is repealed:

497.361 Registration of monument establishments.—

~~(5) Monuments shall be delivered as established by this chapter and installed no later than 120 days after the date of sale. The establishment may request two 30-day extensions. Extensions may be granted by the executive director.~~

Section 26. Present subsections (6) through (10) of section 497.419, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and a new subsection (6) is added to said section to read:

497.419 Cancellation of, or default on, preneed contracts.—

(6) *Failure to install a monument within 180 days after interment shall be considered a breach of contract unless the certificateholder has a written agreement to extend the installation date. The purchaser shall be entitled to a refund of all money paid for the merchandise. Such refund shall be made within 30 days after receipt by the certificateholder of the contract purchaser's written request for a refund. Nothing in this subsection shall preclude the purchase and installation of a new monument from any other registered monument dealer.*

Section 27. Subsection (9) of section 497.429, Florida Statutes, is amended to read:

497.429 Alternative preneed contracts.—

(9) The contract may provide that the certificateholder may cancel the contract, but only in the event that the purchaser is more than 90 days in default of the terms of the contract; and, unless subject to the provisions of s. 497.419(7)(6), must provide that the purchaser, or her or his representative, has the right, at any time prior to the performance of the contract, to cancel the preneed contract and revert title to all the funds paid on the preneed contract, except for applicable liquidated damages, and the certificateholder's rights in the net income of the trust.

Section 28. Section 497.442, Florida Statutes, is created to read:

497.442 *Preneed sale of undeveloped cemetery property.—The preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval is prohibited. Each site plan for undeveloped cemetery property submitted to the board for approval must be completed by a professional surveyor and mapper licensed under chapter 472.*

Section 29. Sections 497.101, 497.107, and 497.109, Florida Statutes, are repealed.

Section 30. *Within 10 days after the interment of a body in this state, the funeral director handling the interment shall file with the local registrar an addendum to the death certificate which provides the address of the cemetery and specific location within the cemetery where the body is buried.*

And the title is amended as follows:

On page 1, line 2,
remove: all of said line

and insert: An act relating to after-death services; providing a short title; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 497, F.S., relating to funeral and cemetery services, from the Department of Banking and Finance to the Department of Business and Professional Regulation; ending the terms of current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services; providing for appointment and staggering of terms of members of the new Board of Funeral Directors and Cemeteries; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending ss. 20.165, 455.2226, 470.002, 470.003, 497.005, 497.105, 497.117, 497.201, and 497.253, F.S.; revising terminology and references, to conform; providing for payment of fees and costs of legal counsel to be paid from the Professional Regulation Trust Fund, to conform; reducing the number of contiguous acres required for a cemetery; providing for application; amending s. 215.321, F.S., relating to the Regulatory Trust Fund, to remove deposit therein of funds received pursuant to ch. 497, F.S.; amending s. 470.017, F.S.; increasing college credit course requirements for registration as a direct disposer; amending s. 470.018, F.S.; increasing continuing education requirements for renewal of registration as a direct disposer; amending s. 470.0295, F.S.; eliminating an exception to the requirement that a licensed funeral director be present during the disinterment and reinterment of human remains; requiring a permit prior to the disinterment of human remains; amending s. 470.0355, F.S.; revising requirements for the identification of human remains; providing rulemaking authority; providing penalties and providing for civil actions; amending s. 497.103, F.S.; requiring the board to establish by rule reasonable times for access to cemeteries; amending s. 497.305, F.S.; prohibiting cemetery companies from restricting cemetery access to authorized installers of monuments and markers during the access times established by board rule; amending s. 497.325, F.S.; clarifying applicability of certain illegal tying arrangements to all entities owning and operating a cemetery; amending s. 497.333, F.S.; requiring each written contract provided to a customer to include a complete description of any grave space to be used for the interment of human remains; repealing s. 497.361(5), F.S., relating to requirements for delivery and deadlines for installation of monuments; amending s. 497.419, F.S.; providing that failure to install a monument within a specified period after interment constitutes breach of contract; authorizing extension of such period by written agreement; amending ss. 497.233 and 497.429, F.S.; conforming cross references; creating s. 497.442, F.S.; prohibiting the preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval; requiring site plans for undeveloped cemetery property to be completed by a professional surveyor and mapper; providing penalties; repealing s. 497.101, F.S., relating to the Board of Funeral and Cemetery Services, to conform; repealing s. 497.107, F.S., relating to the headquarters of the board, to conform; repealing s. 497.109, F.S., relating to organization and meetings of the board, to conform; requiring death certificates to include the location where the body is buried; amending

Rep. Brown moved the adoption of the amendment.

Motion

Rep. Brown moved that the written remarks submitted by Rep. Baxley relating to House Amendment 1 (741951) be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

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

The question recurred on the passage of HB 1633. The vote was:

Session Vote Sequence: 1061

Yeas—116

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz de la Portilla	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	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	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gelber	Littlefield	Slosberg
Betancourt	Gibson	Lynn	Smith
Bilirakis	Goodlette	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brummer	Green	Mahon	Spratt
Brutus	Greenstein	Mayfield	Stansel
Bucher	Haridopolos	Maygarden	Trovillion
Bullard	Harper	McGriff	Wallace
Byrd	Harrell	Meadows	Waters
Cantens	Harrington	Mealor	Weissman
Carassas	Hart	Melvin	Wiles
Clarke	Henriquez	Murman	Wilson
Crow	Heyman	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Brown, Justice

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

CS/HB 1611—A bill to be entitled An act relating to agriculture education and promotion facilities; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; providing an effective date.

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

Session Vote Sequence: 1062

Yeas—116

The Chair	Bendross-Mindingall	Bullard	Evers
Alexander	Bennett	Byrd	Farkas
Allen	Bense	Cantens	Fasano
Andrews	Benson	Carassas	Fields
Argenziano	Berfield	Clarke	Fiorentino
Arza	Betancourt	Crow	Flanagan
Attkisson	Bilirakis	Cusack	Frankel
Atwater	Bowen	Davis	Gannon
Ausley	Brown	Detert	Garcia
Baker	Brummer	Diaz de la Portilla	Gardiner
Barreiro	Brutus	Diaz-Balart	Gelber
Bean	Bucher	Dockery	Gibson

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

Nays—None

Votes after roll call:

Yeas—Justice, Kottkamp

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

CS/HB 1431—A bill to be entitled An act relating to recreational vehicles; amending s. 681.103, F.S.; requiring that certain information relating to filing a claim with a mediation and arbitration program be provided by the nameplate manufacturer to the consumer; amending s. 681.1096, F.S.; postponing termination of the mediation and arbitration pilot program; amending s. 681.1097, F.S.; providing for screening of claims by the program; providing an effective date.

—was read the third time by title.

Representative(s) Jordan offered the following:

(Amendment Bar Code: 234441)

Amendment 1—In the title, on page 1, line 2 remove: recreational vehicles

and insert: the Motor Vehicle Warranty Enforcement Act

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

The question recurred on the passage of CS/HB 1431. The vote was:

Session Vote Sequence: 1063

Yeas—116

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

Melvin	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

Votes after roll call:

Yeas—Atwater, Clarke, Justice

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

CS for SB 1912—A bill to be entitled An act relating to defense contractors; amending s. 288.1045, F.S.; redefining the term “Department of Defense contract”; revising the required minimum percentage of gross receipts derived from Department of Defense contracts; providing an effective date.

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

Session Vote Sequence: 1064

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Fiorentino, Justice, Lynn

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

CS/HB 687—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 personal identifying information contained in records relating to a person’s health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; specifying conditions under which such

information may be disclosed; providing for retroactive application of the exemption; 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: 1065

Yeas—96

The Chair	Byrd	Harper	McGriff
Alexander	Cantens	Harrell	Meadows
Allen	Carassas	Harrington	Mealor
Andrews	Clarke	Hart	Melvin
Argenziano	Crow	Hogan	Murman
Arza	Cusack	Holloway	Needelman
Attkisson	Davis	Jennings	Negron
Atwater	Detert	Johnson	Paul
Ausley	Diaz de la Portilla	Jordan	Peterman
Baker	Diaz-Balart	Joyner	Pickens
Barreiro	Dockery	Kallinger	Prieguez
Bean	Evers	Kendrick	Ritter
Bendross-Mindingall	Farkas	Kilmer	Ross
Bense	Fasano	Kottkamp	Rubio
Benson	Feeney	Kyle	Russell
Berfield	Fields	Lacasa	Simmons
Betancourt	Flanagan	Lee	Siplin
Bilirakis	Garcia	Littlefield	Sorensen
Bowen	Gardiner	Lynn	Spratt
Brown	Gibson	Machek	Stansel
Brummer	Goodlette	Mack	Trovillion
Brutus	Gottlieb	Mahon	Wallace
Bucher	Green	Mayfield	Waters
Bullard	Haridopolos	Maygarden	Wilson

Nays—22

Bennett	Henriquez	Richardson	Sobel
Fiorentino	Heyman	Romeo	Weissman
Frankel	Kosmas	Ryan	Wiles
Gannon	Kravitz	Seiler	Wishner
Gelber	Lerner	Slosberg	
Greenstein	Rich	Smith	

Votes after roll call:

Yeas to Nays—Bucher

Nays to Yeas—Fiorentino, Frankel, Greenstein

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

HB 727—A bill to be entitled An act relating to disaster preparedness; amending s. 252.365, F.S.; revising the process for coordination and approval of disaster-preparedness plans; directing each agency coordination officer to complete a revised plan by a specified date; requiring the Division of Emergency Management of the Department of Community Affairs to develop guidelines for the plans; providing an effective date.

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

Session Vote Sequence: 1066

Yeas—117

The Chair	Barreiro	Brown	Cusack
Alexander	Bean	Brummer	Davis
Allen	Bendross-Mindingall	Brutus	Detert
Andrews	Bennett	Bucher	Diaz de la Portilla
Argenziano	Bense	Bullard	Diaz-Balart
Arza	Benson	Byrd	Dockery
Attkisson	Berfield	Cantens	Evers
Atwater	Betancourt	Carassas	Farkas
Ausley	Bilirakis	Clarke	Fasano
Baker	Bowen	Crow	Feeney

Fields	Hogan	Mahon	Ryan
Fiorentino	Holloway	Mayfield	Seiler
Flanagan	Jennings	Maygarden	Simmons
Frankel	Johnson	McGriff	Siplin
Gannon	Jordan	Meadows	Slosberg
Garcia	Joyner	Mealor	Smith
Gardiner	Kallinger	Melvin	Sobel
Gelber	Kendrick	Murman	Sorensen
Gibson	Kilmer	Needelman	Spratt
Goodlette	Kosmas	Negron	Stansel
Gottlieb	Kottkamp	Peterman	Trovillion
Green	Kravitz	Pickens	Wallace
Greenstein	Kyle	Prieguez	Waters
Haridopolos	Lacasa	Rich	Weissman
Harper	Lee	Richardson	Wiles
Harrell	Lerner	Ritter	Wilson
Harrington	Littlefield	Romeo	Wishner
Hart	Lynn	Ross	
Henriquez	Machek	Rubio	
Heyman	Mack	Russell	

Nays—1

Paul

Votes after roll call:

Yeas—Justice

Nays to Yeas—Paul

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

On motion by Rep. Goodlette, the House returned to consideration of HB 2019.

HB 2019—A bill to be entitled An act relating to exemption from public records and meeting requirements; creating s. 1005.385, F.S.; creating an exemption from public records requirements for specified complaints filed with the Commission for Independent Education and all information obtained pursuant to the investigation of such complaints by the commission; providing a time limitation for the exemption; providing an exception to the exemption; creating an exemption from public meeting requirements for proceedings of the commission's probable-cause panel; providing a time limitation for the exemption; providing for future review and repeal of the exemptions; providing findings of public necessity; providing a conditional effective date.

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

Motion

Rep. Maygarden moved the previous question on the bill, which was agreed to.

The question recurred on the passage of HB 2019. The vote was:

Session Vote Sequence: 1067

Yeas—71

The Chair	Berfield	Farkas	Jordan
Alexander	Bilirakis	Fasano	Kallinger
Allen	Bowen	Feeney	Kendrick
Andrews	Brown	Flanagan	Kilmer
Arza	Brummer	Garcia	Kottkamp
Attkisson	Byrd	Gardiner	Kravitz
Atwater	Cantens	Gibson	Kyle
Baker	Clarke	Haridopolos	Lacasa
Barreiro	Davis	Harrell	Littlefield
Bean	Diaz de la Portilla	Harrington	Lynn
Bennett	Diaz-Balart	Hart	Mack
Bense	Dockery	Hogan	Mahon
Benson	Evers	Johnson	Mayfield

Maygarden	Negron	Rubio	Stansel
Mealor	Paul	Russell	Trovillion
Melvin	Pickens	Simmons	Wallace
Murman	Prieguez	Sorensen	Waters
Needelman	Ross	Spratt	

Nays—47

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

Votes after roll call:

Yeas to Nays—Dockery, Paul

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 consideration of—

III. Bills for Consideration at 2:45 p.m.

CS/HB 243—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; providing for distributions under both programs; requiring the Department of Revenue to adopt certain rules; providing an effective date.

—was read the third time by title.

Representative(s) Hart and Mack offered the following:

(Amendment Bar Code: 611851)

Amendment 2—On page 4, line 13, after the period,

insert: *For the purpose of this act, the terms “headquartered” and “principal business operations” shall mean at least 75 percent of the employees are located in the state.*

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

Representative(s) Mack offered the following:

(Amendment Bar Code: 333891)

Amendment 3—On page 18, line 5

remove: all of said line

and insert: *respect to Program One and \$150 million with respect to Program Two.*

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

The question recurred on the passage of CS/HB 243. The vote was:

Session Vote Sequence: 1068

Yeas—118

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

Nays—None

Votes after roll call:

Yeas—Justice

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

THE SPEAKER IN THE CHAIR

CS/HB 1285—A bill to be entitled An act relating to environmental protection; amending s. 373.414, F.S.; requiring that the Department of Environmental Protection adopt a uniform mitigation assessment method by rule by July 31, 2002; amending s. 373.406, F.S.; authorizing the district or department to adopt rules to exempt regulation for mining or mining related activities under certain circumstances; amending s. 403.08725, F.S.; extending the time by which the United States Environmental Protection Agency may approve the state’s implementation plan for controlling air pollution from citrus juice processing facilities; amending s. 403.813, F.S.; clarifying the maintenance dredging permit exemption to allow for the discharge of return water from spoil material; providing an exemption from permitting requirements for certain floating vessel platforms or floating boat lifts of limited size that are not used for commercial purposes; authorizing the Department of Environmental Protection to adopt by rule a general permit for certain nonexempt floating vessel platforms or floating boat lifts; providing for use of certain state lands under such general permits; providing an exemption from local regulation; providing an exemption for certain county road repair; providing an effective date.

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

Session Vote Sequence: 1069

Yeas—113

The Chair	Atwater	Bendross-Mindingall	Bowen
Alexander	Ausley	Bennett	Brown
Allen	Baker	Benson	Brummer
Andrews	Ball	Berfield	Brutus
Argenziano	Barreiro	Betancourt	Bucher
Attkisson	Bean	Bilirakis	Bullard

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

Nays—1

Arza

Votes after roll call:

Yeas—Harrell, Justice, Mack, Paul

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

CS/HB 1665—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; limiting the number of purposes a charter school must accomplish; revising provisions relating to conversion charter schools; providing for development of a charter by a conversion committee; delineating accountability standards for charter schools; extending a district school board's time for responding and filing an appeal from a sponsor's decision to terminate a charter; requiring that noncertified teachers or instructors who are teaching out of their respective fields be supervised by a certified teacher for a specified period of time; requiring district school boards to distribute funds to schools when available; requiring compliance with the Florida Building Code and the Florida Fire Prevention Code or with the applicable provisions thereof; exempting charter schools from impact and service availability fees; amending s. 228.0561, F.S., relating to charter school capital outlay funding; allowing the Commissioner of Education to identify an additional funding source that may be considered by the Legislature in allocating funding in a given year; providing an effective date.

—was read the third time by title.

Representative(s) Ritter offered the following:

(Amendment Bar Code: 114861)

Amendment 2 (with title amendment)—On page 34, line 5 through page 38, line 23 remove all of said lines

and insert:

(d) Any charter school to be newly constructed shall be a new public educational facility for purposes of s. 235.193(5) and (6).

~~(19)(18)~~ **INITIAL COSTS.**—A sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

~~(20)(19)~~ **INFORMATION.**—The Department of Education shall provide information to the public, directly and through sponsors, both on

how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (9). This application format may be used by chartering entities.

~~(21)(20)~~ **GENERAL AUTHORITY.**—A charter school shall not levy taxes or issue bonds secured by tax revenues.

~~(22)(21)~~ **REVIEW.**—

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

~~(23)(22)~~ **RULEMAKING.**—The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

~~(24)(23)~~ **CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS IN-A-MUNICIPALITY.**—

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, to encourage developers of residential and other projects to provide school infrastructure concurrent with school impacts, to promote and encourage local communities to participate in and advance the cause of neighborhood schools, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery which involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (8) (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (11)(a)8. ~~(9)(a)8.~~ Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (8) (6); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (11)(a)8. ~~(9)(a)8.~~ Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 235.198, for the duration of its use as a public school.

(d) As used in this subsection, the terms “business partner,” “employer,” “developer,” or “municipality” may include more than one business, employer, developer, or municipality to form a charter school-in-the-workplace, charter school-in-a-development, or charter school-in-a-municipality.

Section 2. Subsections (1) and (5) of section 228.0561, Florida Statutes, are amended to read:

228.0561 Charter schools capital outlay funding.—

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 228.056 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 235.435(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. *A dedicated funding source, if identified in writing by the Commissioner of Education and submitted along with the annual charter school legislative budget request, may be considered an additional source of funding.* Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

(5) The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section. *This budget request may also be accompanied by a written statement from the Commissioner of Education requesting that a dedicated funding source identified by the commissioner be used to supplement that year's charter school funding.*

Section 3. Subsection (5) of section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(5) As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, *including a charter school*, 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 *or charter school governing body's request* for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and 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 *or charter school governing body's request* for a determination of consistency shall be considered an approval of the school board's application *or charter school governing body's application*.

And the title is amended as follows:

On page 1, lines 22-27,
remove all of said lines

and insert: availability fees; providing that a charter school to be newly constructed shall be a public educational facility for purposes of site plan review; amending s. 228.0561, F.S., relating to charter school capital outlay funding; allowing the Commissioner of Education to identify an additional funding source that may be considered by the Legislature in allocating funding in a given year; amending s. 235.193, F.S.; providing that a proposed charter school shall be considered a public educational facility with respect to site plan review; providing

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

Representative(s) Ritter offered the following:

(Amendment Bar Code: 191919)

Amendment 3—On page 4, lines 6 & 23,
remove: (10)

and insert: (11)

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

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

Session Vote Sequence: 1070

Yeas—44

Argenziano	Gannon	Kosmas	Romeo
Ausley	Gelber	Lee	Ryan
Bendross-Mindingall	Gottlieb	Lerner	Seiler
Betancourt	Greenstein	Lynn	Slosberg
Bucher	Harper	Machek	Smith
Bullard	Henriquez	McGriff	Sobel
Cusack	Heyman	Paul	Stansel
Detert	Holloway	Peterman	Weissman
Fields	Jennings	Pickens	Wiles
Fiorentino	Joyner	Rich	Wilson
Frankel	Kendrick	Richardson	Wishner

Nays—68

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

Votes after roll call:

Yeas—Fasano

Nays—Ritter

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

The question recurred on the passage of CS/HB 1665. The vote was:

Session Vote Sequence: 1071

Yeas—72

The Chair	Byrd	Harrell	Murman
Alexander	Cantens	Harrington	Needelman
Allen	Carassas	Hart	Negron
Arza	Crow	Henriquez	Paul
Attkisson	Davis	Johnson	Pickens
Atwater	Diaz-Balart	Jordan	Prieguez
Baker	Dockery	Kallinger	Ritter
Ball	Evers	Kendrick	Ross
Barreiro	Farkas	Kilmer	Rubio
Bean	Fasano	Kottkamp	Russell
Bennett	Flanagan	Kyle	Simmons
Bense	Gardiner	Lacasa	Smith
Benson	Gibson	Littlefield	Sorensen
Berfield	Goodlette	Mack	Spratt
Bilirakis	Gottlieb	Mahon	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	Mealor	Wallace
Brummer	Harper	Melvin	Waters

Nays—42

Argenziano	Fiorentino	Kravitz	Ryan
Ausley	Frankel	Lee	Seiler
Bendross-Mindingall	Gannon	Lerner	Siplin
Betancourt	Garcia	Lynn	Slosberg
Brutus	Gelber	Machek	Sobel
Bucher	Green	Mayfield	Weissman
Bullard	Heyman	McGriff	Wiles
Clarke	Holloway	Meadows	Wilson
Cusack	Jennings	Peterman	Wishner
Detert	Joyner	Rich	
Fields	Kosmas	Richardson	

Votes after roll call:

Nays—Romeo

Yeas to Nays—Gottlieb, Kendrick, Stansel

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

CS/CS/HB 779—A bill to be entitled An act relating to economic stimulus; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of

claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the office; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Frankel offered the following:

(Amendment Bar Code: 340869)

Amendment 1 (with title amendment)—On page 38, between lines 5 and 6,

insert:

Section 5. Subsection (3) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(3) WEEKLY BENEFIT AMOUNT.—An individual’s “weekly benefit amount” shall be an amount equal to one twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32 or more than \$275. For claims with benefit years beginning *October 1, 2002, January 1, 2000, through December 31, 2000*, an additional amount equal to \$25 or 15 5 percent of the weekly benefit amount, *whichever is greater*, shall be added for each compensable week ~~the first 8 compensable weeks~~ of benefits paid, not to exceed \$316 ~~\$288~~. Such weekly benefit amount, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant’s benefit year.

(5) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$7,150. For claims with benefit years beginning *October 1, 2002, through June 30, 2004* ~~January 1, 2000, through December 31, 2000~~, an additional amount equal to \$650 ~~or 15 5 percent of the weekly benefit amount multiplied by 26, whichever is greater~~, 8 shall be added to the calculated total amount of benefits, the sum of which may not exceed \$8,216 ~~\$7,254~~. However, such total amount of benefits, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. Such benefits shall be payable at a weekly rate no greater than the weekly benefit amount.

2. For the purposes of this subsection, wages shall be counted as “wages for insured work” for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

Section 6. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 2, after the semicolon,

insert: amending s. 443.111, F.S.; providing, for a limited time period, an increase in weekly benefit amounts and the total amount of benefits;

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

Session Vote Sequence: 1072

Yeas—43

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

Nays—74

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

Representative(s) Frankel offered the following:

(Amendment Bar Code: 445525)

Amendment 2 (with title amendment)—On page 38, between lines 5 and 6,

insert:

Section 5. Subsection (7) of Section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(7) BASE PERIOD.—

(a) “Base period” means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year.

(b) *With respect to a benefit year commencing on or after October 1, 2002, if an individual is not monetarily eligible in his or her base period to qualify for benefits, the division must designate his or her base period to be the alternative base period. As used in this paragraph, the term “alternative base period” means the last four completed calendar quarters immediately preceding the first day of an individual’s benefit year. Wages used in a base period to establish a monetarily eligible benefit year may not be applied to establish monetary eligibility in any succeeding benefit year. If information regarding wages for the calendar quarter or quarters immediately preceding the benefit year has not been input into the division’s mainframe database from the regular quarterly*

reports of wage information or is otherwise unavailable, the division shall request such information from the employer. An employer must provide the requested wage information within 10 days after receiving a request from the division. An employer who fails to provide the requested wage information within the required time is subject to the penalty for delinquent reports in s. 443.141(1)(b).

(c) For monetary determinations based upon the alternative base period under paragraph (b), if the division is unable to access the wage information through its mainframe database, the division may base the determination of eligibility for benefits on an affidavit submitted by the individual with respect to wages for those calendar quarters. The individual must furnish payroll information, if available, in support of the affidavit. A determination of benefits based upon an alternative base period shall be adjusted when the quarterly report of wage information from the employer is received, if that information causes a change in the determination.

And the title is amended as follows:

On page 3, line 2, after the semicolon,

insert: amending s. 443.036, F.S.; providing a definition and an application of an alternative base period; providing requirements and limitations; requiring employers to respond to requests for information and providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility;

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

Session Vote Sequence: 1073

Yeas—39

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

Nays—79

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

Votes after roll call:

Nays to Yeas—Wilson

The question recurred on the passage of CS/CS/HB 779. The vote was:

Session Vote Sequence: 1074

Yeas—116

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	Kallinger	Richardson
Atwater	Evers	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Feeney	Kosmas	Ross
Barreiro	Fields	Kottkamp	Rubio
Bean	Fiorentino	Kravitz	Russell
Bendross-Mindingall	Flanagan	Kyle	Ryan
Bennett	Frankel	Lacasa	Seiler
Bense	Gannon	Lee	Simmons
Benson	Garcia	Lerner	Siplin
Berfield	Gardiner	Littlefield	Slosberg
Betancourt	Gelber	Lynn	Smith
Bilirakis	Gibson	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Trovillion
Bucher	Harper	McGriff	Wallace
Bullard	Harrell	Meadows	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Murman	Wilson
Clarke	Heyman	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Farkas, Justice

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

HB 743—A bill to be entitled An act relating to economic stimulus; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved;

providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the office; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; providing an effective date.

—was read the third time by title.

Representative(s) Kilmer offered the following:

(Amendment Bar Code: 044545)

Amendment 2 (with title amendment)—Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (a) and (b) of subsection (2) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)(a) Funds appropriated by the Legislature shall be distributed by the office through a grant ~~programs program~~ that ~~maximize~~ maximizes the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants ~~to applicants for such federal programs~~ for up to 30 percent of the total infrastructure project cost. Eligible projects must be related to specific ~~job-creation or job-retention~~ job-creating opportunities. *Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities.* Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

Section 2. Paragraphs (b) and (c) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)

(b) The total amount of tax refund claims approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy ~~estimates~~ ~~projections~~ by the office for tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the ~~estimated~~ ~~projected~~ total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) ~~By December 31 September 30~~ of each year, *Enterprise Florida, Inc.*, ~~the Office of Tourism, Trade, and Economic Development~~ shall submit a complete and detailed report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development ~~board of directors of Enterprise Florida, Inc., created under part VII of this chapter,~~ of all applications received, ~~recommendations made to the Office of Tourism, Trade, and Economic Development,~~ final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. ~~Enterprise Florida, Inc., The Office of Tourism, Trade, and Economic Development~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, *rural communities, brownfield areas, and distressed urban communities*. ~~By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~ The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner. *The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.*

Section 3. Section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

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

(a) “Consolidation of a Department of Defense contract” means the consolidation of one or more of an applicant’s facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant’s facilities inside this state.

(b) “Average wage in the area” means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) “Applicant” means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) “Office” means the Office of Tourism, Trade, and Economic Development.

(e) “Department of Defense contract” means a competitively bid Department of Defense contract or subcontract or a competitively bid federal agency contract or subcontract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract or subcontract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. *The term includes contracts or subcontracts for products or services for military use which contracts or subcontracts are approved by the United States Department of Defense, the United States Department of State, or the United States Coast Guard.*

(f) “New Department of Defense contract” means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) “Jobs” means full-time equivalent positions, consistent with the use of such terms by the ~~Agency for Workforce Innovation Department of Labor and Employment Security~~ for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) “Nondefense production jobs” means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) “Project” means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) “Qualified applicant” means an applicant that has been approved by the director to be eligible for tax refunds pursuant to this section.

(k) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(l) “Taxable year” means the same as in s. 220.03(1)(z).

(m) “Fiscal year” means the fiscal year of the state.

(n) “Business unit” means an employing unit, as defined in s. 443.036, that is registered with the ~~Agency for Workforce Innovation Department of Labor and Employment Security~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the ~~Agency for Workforce Innovation Department of Labor and Employment Security~~ as a reporting unit.

(o) “Local financial support” means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) “Contract for reuse of a defense-related facility” means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the director which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than \$5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than \$2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than \$7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the director may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the director shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212.
2. Corporate income taxes paid pursuant to chapter 220.
3. Intangible personal property taxes paid pursuant to chapter 199.
4. Emergency excise taxes paid pursuant to chapter 221.
5. Excise taxes paid on documents pursuant to chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of *net new* full-time equivalent *Florida* jobs included in this state which are or will be dedicated to the project as of December 31 of each ~~year~~ during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

- a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

- b. Corporate income taxes paid pursuant to chapter 220;

- c. Intangible personal property taxes paid pursuant to chapter 199;

- d. Emergency excise taxes paid pursuant to chapter 221;

- e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed ~~for~~ in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of *net new* full-time equivalent *Florida* jobs included in ~~this state which are or will be dedicated to~~ the nondefense production project ~~as of December 31 of each~~ during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed ~~for~~ in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of *net new* full-time equivalent *Florida* jobs included in ~~this state which are or will be dedicated to~~ the project ~~as of December 31 of each~~ during the year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed ~~for~~ in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(e) To qualify for review by the office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 70 percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than *an average of 60 80* percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the office for a determination of eligibility. The office shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur

in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The office shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the director within 60 calendar days ~~after~~ receipt of a complete application. The office shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The office shall include in its report projections of the tax ~~refunds the applicant would be eligible to receive~~ refund claims that will be sought by the applicant in each fiscal year based on the *creation and maintenance of the net new Florida jobs specified in subparagraph (b)6., subparagraph (c)6., or subparagraph (d)7. as of December 31 of the preceding state fiscal year* ~~information submitted in the application.~~

(h) Within 30 days after receipt of the office's findings and evaluation, the director shall *issue a letter of certification which* ~~enter a final order that~~ either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The director may not *certify* ~~enter any final order that certifies~~ any applicant as a qualified applicant when the value of tax refunds to be included in that *letter of certification* ~~final order~~ exceeds the available amount of authority to *certify new businesses* ~~enter final orders~~ as determined in s. 288.095(3). A *letter of certification* ~~final order~~ that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor *for in* each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the office containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).~~

2. The maximum amount of a refund that the qualified applicant is eligible to receive ~~for in~~ each fiscal year, *based on the job creation or retention and maintenance schedule specified in subparagraph 1.*

3. An agreement with the office allowing the office to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date ~~by~~ *after* which, in each fiscal year, the qualified applicant may file a ~~an annual~~ claim pursuant to subsection (5) *to be considered to receive a tax refund in the following fiscal year.*

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to

comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director, *unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the office grants the qualified applicant an economic-stimulus exemption.*

1. *A qualified applicant may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.*

2. *Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.*

3. *As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.*

4. *A qualified applicant may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.*

5. *A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.*

(c) The agreement shall be signed by the director and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

“This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes.”

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) *To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with the office pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or who have entered into a valid contract for reuse of a defense-related facility must may apply by January 31 of ~~each~~ each fiscal year to the office for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date. The application ~~must be made on or after the date contained in the agreement entered into pursuant to subsection (4)~~ and must include a notarized signature of an officer of the applicant.*

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the *relevant* fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund ~~for in that refund fiscal year~~. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the Economic Development Trust Fund.

(d) The director, with assistance from the office, the Department of Revenue, and the ~~Agency for Workforce Innovation Department of Labor and Employment Security~~, shall, by June 30 following the scheduled date for submitting the tax-refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, ~~determine~~ the amount of the tax refund that is authorized to be paid to the qualified applicant for the ~~fiscal year in a written final order within 30 days after the date the claim for the annual tax refund is received by the office~~. The office may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.

(e) The total amount of tax refunds approved by the director under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the office for tax refunds in a fiscal year, the director shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the director shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the ~~written final order~~. In the event of any appeal of the ~~written final order~~, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the ~~written final order~~.

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment *and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.*

(h) *This section does not create a presumption that a tax refund claim will be approved and paid.*

(6) ADMINISTRATION.—

(a) The office may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified applicants to the Department of Revenue, *to the Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of said entities with respect to monitoring *jobs, wages, and* the payment of the taxes listed in subsection (2).

(d) By December 1 of each year, the office shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner.

(e) *Funds specifically appropriated for the tax refund program under this section may not be used for any purpose other than the payment of tax refunds authorized by this section.*

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2004.

Section 4. Paragraphs (a) and (d) of subsection (3), paragraphs (a), (b), and (c) of subsection (4), and subsections (5) and (6) of section 288.106, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of *net new* full-time equivalent *Florida jobs at the qualified target industry business as of December 31 of each year included in this state that are or will be dedicated to* the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.

10. Any additional information requested by the office.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax *refunds the business would be eligible to receive refund claim that will be sought by the target industry business in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year* ~~information submitted in the application.~~

(4) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the business under subsection (3).~~

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive ~~in~~ each fiscal year, *based on the job creation and maintenance schedule specified in subparagraph 1.*

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date ~~by after~~ which, in each fiscal year, the qualified target industry business may file ~~a an annual~~ claim under subsection (5) *to be considered to receive a tax refund in the following fiscal year.*

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection (3).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, *unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.*

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (3), but not before passage and receipt of the resolution of local financial support. The office may grant an extension of this period at the written request of the qualified target industry business.

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the office under subsection (4) must ~~may~~ apply by January 31 of ~~one~~ each fiscal year to the office for the a tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date. ~~The application must be made on or after the date specified in that agreement.~~

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for the relevant ~~that~~ fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund ~~in that fiscal year~~. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)(f) must be reduced by the amount of any such tax abatement or the value of the land

granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment and that the average wage paid by the business is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification, or 150 percent or 200 percent of the average private-sector wage if the business requested the additional per-job tax refund authorized in paragraph (2)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, shall, by June 30 following the scheduled date for submission of the tax-refund claim, specify by written ~~final~~ order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to for the qualified target industry business for the ~~fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office~~. The office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(f) The total amount of tax refund claims approved by the director under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g) This section does not create a presumption that a tax refund claim will be approved and paid.

~~(h)~~(g) Upon approval of the tax refund under paragraphs (c), (d), and (e), the Comptroller shall issue a warrant for the amount specified in the written ~~final~~ order. If the written ~~final~~ order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(6) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

(c) Funds specifically appropriated for the tax refund program for qualified target industry businesses may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.—This section expires June 30, 2004.

Section 5. 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)1. Payment information relative to chapters 199, 201, 212, 220, and 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the 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.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 6. Paragraph (j) of subsection (5) 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in semiconductor, defense, or space technology production and research and development.—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 6. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 6. to manufacture, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from 25 percent of the tax imposed by this chapter.

2.a. Machinery and equipment are exempt from the tax imposed by this chapter if used predominately in semiconductor wafer research and development activities in a semiconductor technology research and development facility certified under subparagraph 6. For purposes of this paragraph, machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Machinery and equipment are exempt from 25 percent of the tax imposed by this chapter if used predominately in defense or space research and development activities in a defense or space technology research and development facility certified under subparagraph 6.

3. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

4. In addition to meeting the criteria mandated by subparagraph 1., subparagraph 2., or subparagraph 3., a business must be certified by the

Office of Tourism, Trade, and Economic Development as authorized in this paragraph in order to qualify for exemption under this paragraph.

5. For items purchased tax exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to exemption pursuant to this paragraph, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption.

6.a. To be eligible to receive the exemption provided by subparagraph 1., subparagraph 2., or subparagraph 3., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete, Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

7.a. A business may apply once each year for the exemption.

b. The application must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for exemption.

c. The Office of Tourism, Trade, and Economic Development may use the information reported on the application for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. ~~This report may be submitted in conjunction with the annual report required in s. 288.095(3)(e).~~

8. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption for which they may qualify. To receive these funds, the institution must agree to match the funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

9. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

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

c. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the Office of Tourism, Trade, and Economic Development.

d. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

e. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

f. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems. The term does not include products that are designed or manufactured for general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

Section 7. Subsection (7) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high-impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investments created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. ~~The report may be combined with the incentives report required in s. 288.095.~~

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 economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; prescribing a deadline for applying for tax refunds; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying

that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information concerning specified tax-refund programs with the Office of Tourism, Trade, and Economic Development and specified agents; amending ss. 212.08 and 288.108, F.S.; removing references, to conform; providing an effective date.

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

The question recurred on the passage of HB 743. The vote was:

Session Vote Sequence: 1075

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Justice, Ritter, Siplin

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

HB 1689—A bill to be entitled An act relating to the administrative establishment of child support; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing for statewide application of the procedures established under the pilot program; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; requiring an evaluation of the administrative process for establishing child-support obligations; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation of the statewide implementation of the administrative processes for child support; requiring a report by January 31, 2005; providing legislative intent regarding support for administrative child-support process; directing the Department of Revenue to study the feasibility of an administrative process for the establishment of paternity in Title IV cases; providing an effective date.

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

Session Vote Sequence: 1076

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Justice, Ritter, Siplin

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

HB 1439—A bill to be entitled An act relating to the interception of communications; amending s. 934.02, F.S.; revising definitions;

including wire communications within the meaning of an electronic communications system; redefining the terms “pen register” and “trap and trace device”; defining the terms “foreign intelligence information,” “protected computer,” and “computer trespasser”; amending s. 934.03, F.S.; authorizing the interception of certain wire or electronic communications of a computer trespasser; amending s. 934.07, F.S.; authorizing the Department of Law Enforcement to intercept wire, oral, or electronic communications for purposes of investigating certain additional offenses concerning terrorism and the attempted or threatened use of a destructive device or weapon of mass destruction; requiring a law enforcement agency to notify the Department of Law Enforcement if an intercepted communication provides evidence of certain acts of terrorism; amending s. 934.09, F.S.; providing for the interception of communications upon certain findings of activities that threaten the security of the nation or state; specifying circumstances under which the court may authorize the interception of communications outside the court's jurisdiction; amending s. 934.08, F.S.; authorizing the disclosure of the contents of an intercepted communication to certain state and federal officials; amending s. 934.22, F.S.; prohibiting a provider of electronic communication service or a provider of remote computing service from disclosing the contents of communications or information pertaining to a subscriber or customer; specifying certain exceptions; amending s. 934.23, F.S.; providing for disclosure of information pertaining to a subscriber or customer under specified circumstances and pursuant to a warrant; amending s. 934.27, F.S.; providing that a request of an investigative or law enforcement officer to preserve records is a defense with respect to a civil or criminal action concerning unlawful access to communications; amending s. 934.31, F.S.; prohibiting the recording of the contents of communications by the use of a pen register or trap and trace device; amending s. 934.33, F.S.; requiring that a certification of an order for a pen register or a trap and trace device be provided to any person or entity not specifically named in the order; requiring that the order include information concerning location of the device and geographic limits of the order; requiring an investigative or law enforcement agency to maintain a record of the use of a pen register or trap and trace device installed pursuant to an ex parte order; requiring that the record be provided to the court; amending s. 934.34, F.S.; providing for a trap and trace device to be installed on other facilities; providing an effective date.

—was read the third time by title.

Representative(s) Gelber offered the following:

(Amendment Bar Code: 363045)

Amendment 3—On page 8, line 21, remove: *subsection*

and insert: *paragraph*

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

The question recurred on the passage of HB 1439. The vote was:

Session Vote Sequence: 1077

Yeas—113

The Chair	Bennett	Carassas	Fields
Alexander	Bense	Clarke	Fiorentino
Allen	Benson	Crow	Flanagan
Andrews	Berfield	Cusack	Frankel
Argenziano	Betancourt	Davis	Garcia
Arza	Bilirakis	Detert	Gardiner
Attkisson	Bowen	Diaz de la Portilla	Gelber
Atwater	Brown	Diaz-Balart	Gibson
Ausley	Brummer	Dockery	Goodlette
Baker	Brutus	Evers	Gottlieb
Barreiro	Bucher	Farkas	Green
Bean	Bullard	Fasano	Greenstein
Bendross-Mindingall	Byrd	Feeney	Haridopolos

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

Nays—2

Gannon Smith

Votes after roll call:

Yeas—Justice, Ritter, Siplin

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

HJR 87—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

Be It Resolved by the Legislature of the State of Florida:

That the amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VII FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state appropriations revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e)(1) *State appropriations for any fiscal year shall be limited to state appropriations for the prior fiscal year plus an adjustment for growth. For purposes of calculating such state appropriations limitation, "state appropriations" shall not include any portion of state appropriations spent or to be spent from receipt of federal funds.*

(2) *The "adjustment for growth" shall be an amount expressed as a percentage equal to the average annual rate of growth in median household income in Florida over the most recent five years. Median household income in Florida shall be that established and published by the United States Department of Commerce or its successor. State appropriations for the prior fiscal year shall be multiplied by the growth percentage and that product added to the prior fiscal year's state appropriations to establish the state appropriations limitation for the fiscal year. The state appropriations limitation established under this subsection is calculated by the following formula:*

$$SAL = (SAPFY \times MHIGR\%) + SAPFY$$

Where:

SAL = state appropriations limitation.

SAPFY = state appropriations for the prior fiscal year.

MHIGR% = median household income growth rate percentage, averaged over the most recent five years.

(3) *State revenues collected for any fiscal year in excess of the state appropriations limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III and thereafter shall be refunded to taxpayers as provided by general law. For purposes of this subsection, "state revenues" includes general revenue and trust fund receipts, but does not include federal fund receipts.*

(4) *The state appropriations limitation required by this subsection shall not apply in any fiscal year in which the governor declares a state financial emergency on the order of a war, a natural catastrophe, an economic depression, or any event of similar magnitude. However, the legislature must agree by a two-thirds vote of the membership of each house in a separate bill that contains no other subject to suspend the state appropriations limitation for that year. Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the appropriation revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.*

ARTICLE XII SCHEDULE

SECTION 21. State appropriations revenue limitation.—The amendment to Section 1 of Article VII limiting state appropriations, if adopted at the general election in November 2002, revenues shall take

effect January 1, 2003 ~~1995~~, and shall first be applicable to state fiscal year 2003-2004 ~~1995-1996~~.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendments proposed herein shall appear on the ballot as follows:

LIMITATION ON STATE APPROPRIATIONS

Replaces the state revenue limitation with an appropriations limitation that limits state appropriations for any fiscal year to state appropriations for the prior fiscal year plus a growth adjustment. Bases the growth adjustment on Florida median household income rather than on the aggregate personal income of Floridians. Continues transfer of excess revenues to the Budget Stabilization Fund, until fully funded, and refund of the rest to taxpayers pursuant to general law. Suspends the limitation in fiscal years of major financial emergency declared by the Governor and approved by the Legislature by extraordinary vote in a separate bill containing no other subject.

—was read the third time by title.

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1078].

The question recurred on the passage of HJR 87. The vote was:

Session Vote Sequence: 1079

Yeas—70

The Chair	Byrd	Harrington	Melvin
Alexander	Carassas	Hart	Needelman
Allen	Clarke	Henriquez	Negron
Arza	Crow	Hogan	Paul
Attkisson	Davis	Johnson	Pickens
Atwater	Evers	Jordan	Prieguez
Baker	Farkas	Kallinger	Ross
Barreiro	Fasano	Kendrick	Rubio
Bean	Feeney	Kilmer	Russell
Bennett	Fiorentino	Kottkamp	Simmons
Bense	Flanagan	Kravitz	Sorensen
Benson	Garcia	Kyle	Spratt
Berfield	Gardiner	Littlefield	Stansel
Betancourt	Gibson	Mack	Trovillion
Bilirakis	Goodlette	Mahon	Wallace
Bowen	Green	Mayfield	Waters
Brown	Haridopolos	Maygarden	
Brummer	Harrell	Mealor	

Nays—42

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

So the joint resolution failed to receive the required constitutional three-fifths vote of the membership for passage.

Motion to Reconsider

Rep. Frankel moved that the House reconsider the vote by which **HJR 87** failed to pass.

Recessed

On motion by Rep. Byrd, the House recessed at 3:31 p.m., to reconvene at a time certain of 3:45 p.m. today.

Reconvened

The House was called to order by the Chair, Rep. Ball, at 3:45 p.m. A quorum was present [Session Vote Sequence: 1080].

THE SPEAKER IN THE CHAIR

Reconsideration of HJR 87

The question recurred on the pending motion, by Rep. Frankel, that the House reconsider the vote by which **HJR 87** failed to pass, which was agreed to.

HJR 87—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

Be It Resolved by the Legislature of the State of Florida:

That the amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VII
FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state appropriations revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e)(1) *State appropriations for any fiscal year shall be limited to state appropriations for the prior fiscal year plus an adjustment for growth. For purposes of calculating such state appropriations limitation, "state appropriations" shall not include any portion of state appropriations spent or to be spent from receipt of federal funds.*

(2) *The "adjustment for growth" shall be an amount expressed as a percentage equal to the average annual rate of growth in median household income in Florida over the most recent five years. Median household income in Florida shall be that established and published by the United States Department of Commerce or its successor. State appropriations for the prior fiscal year shall be multiplied by the growth percentage and that product added to the prior fiscal year's state appropriations to establish the state appropriations limitation for the fiscal year. The state appropriations limitation established under this subsection is calculated by the following formula:*

$$SAL = (SAPFY \times MHIGR\%) + SAPFY$$

Where:

SAL = state appropriations limitation.

SAPFY = state appropriations for the prior fiscal year.

MHIGR% = median household income growth rate percentage, averaged over the most recent five years.

(3) *State revenues collected for any fiscal year in excess of the state appropriations limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III and thereafter shall be refunded to taxpayers as provided by general law. For purposes of this subsection, "state revenues"*

includes general revenue and trust fund receipts, but does not include federal fund receipts.

(4) *The state appropriations limitation required by this subsection shall not apply in any fiscal year in which the governor declares a state financial emergency on the order of a war, a natural catastrophe, an economic depression, or any event of similar magnitude. However, the legislature must agree by a two-thirds vote of the membership of each house in a separate bill that contains no other subject to suspend the state appropriations limitation for that year. Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the appropriation revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.*

ARTICLE XII SCHEDULE

SECTION 21. *State appropriations revenue limitation.—The amendment to Section 1 of Article VII limiting state appropriations, if adopted at the general election in November 2002, revenues shall take effect January 1, 2003 1995, and shall first be applicable to state fiscal year 2003-2004 1995-1996.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendments proposed herein shall appear on the ballot as follows:

LIMITATION ON STATE APPROPRIATIONS

Replaces the state revenue limitation with an appropriations limitation that limits state appropriations for any fiscal year to state appropriations for the prior fiscal year plus a growth adjustment. Bases the growth adjustment on Florida median household income rather than on the aggregate personal income of Floridians. Continues transfer of excess revenues to the Budget Stabilization Fund, until fully funded,

and refund of the rest to taxpayers pursuant to general law. Suspends the limitation in fiscal years of major financial emergency declared by the Governor and approved by the Legislature by extraordinary vote in a separate bill containing no other subject.

The question recurred on the passage of HJR 87.

Motion

Rep. Byrd moved the previous question on the joint resolution, which was agreed to.

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1081].

The question recurred on the passage of HJR 87. The vote was:

Session Vote Sequence: 1082

Yeas—76

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

Nays—40

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

Votes after roll call:

Nays—Argenziano

Yeas to Nays—Detert

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

On motion by Rep. Byrd, the House moved to the consideration of HJR 89 on Bills and Joint Resolutions on Third Reading.

Bills and Joint Resolutions on Third Reading

HJR 89—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a limitation on legislative power to increase taxes or impose fees, penalties, and fines.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VII
FINANCE AND TAXATION

ARTICLE XII
SCHEDULE

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period. *However, a law enacted after January 1, 2003, may not impose a tax, fee, penalty, or fine, expand the base of a tax, or increase the rate of a tax, fee, penalty, or fine for an amount of significant fiscal impact unless the law is enacted in a separate bill for that purpose only by a two-thirds vote of the membership of each house of the legislature. A law enacted after January 1, 2008, may not repeal an exemption from a tax, fee, penalty, or fine for an amount of significant fiscal impact unless the law is enacted in a separate bill for that purpose only by a two-thirds vote of the membership of each house of the legislature. Such requirement shall not apply to the reclassification of criminal activity or the enactment of laws the result of which is to impose an already enacted fee, penalty, or fine to additional conduct.*

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, “growth” means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, “state revenues” means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, “state revenues” does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

SECTION 26. *Limitation on imposition of taxes.—The amendment to Section 1(d) of Article VII limiting the imposition or increase of taxes by the legislature shall take effect January 1, 2003.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

LIMITATION ON LEGISLATIVE POWER TO
TAX OR IMPOSE FEES, PENALTIES, OR FINES

Requires that any law that imposes a tax, fee, penalty, or fine, expands a tax base, or increases a tax rate, fee, penalty, or fine be enacted in a separate bill by a two-thirds vote of each house of the Legislature after January 1, 2003. Requires that any law that repeals an exemption from a tax, fee, penalty, or fine be enacted in a separate bill by a two-thirds vote of each house of the Legislature after January 1, 2008.

—was read the third time by title.

Rep. Maygarden suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1083].

The question recurred on the passage of HJR 89. The vote was:

Session Vote Sequence: 1084

Yeas—72

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

Nays—43

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

Votes after roll call:

Yeas—Sorensen

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

The House moved to the consideration of HB 1949 on Bills and Joint Resolutions on Third Reading.

HB 1949—A bill to be entitled An act relating to the lottery; amending ss. 24.105 and 24.111, F.S.; deleting provisions for the sale of lottery tickets through player-activated vending machines; repealing s. 24.1055, F.S., relating to sale of lottery tickets to minors and posting of signs; providing an effective date.

—was read the third time by title.

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

REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the passage of HB 1949. The vote was:

Session Vote Sequence: 1085

Yeas—52

The Chair	Bucher	Green	Mahon
Alexander	Byrd	Haridopolos	Maygarden
Allen	Carassas	Hart	Mealor
Andrews	Clarke	Hogan	Murman
Attkisson	Davis	Johnson	Paul
Atwater	Diaz-Balart	Jordan	Rubio
Bean	Fiorentino	Kallinger	Russell
Bense	Frankel	Kilmer	Simmons
Benson	Gannon	Kosmas	Sorensen
Berfield	Gardiner	Kravitz	Spratt
Bilirakis	Gelber	Kyle	Trovillion
Bowen	Gibson	Lynn	Wallace
Brummer	Goodlette	Mack	Wiles

Nays—59

Argenziano	Farkas	Lacasa	Ritter
Arza	Fasano	Lee	Romeo
Ausley	Feeney	Lerner	Ross
Barreiro	Fields	Littlefield	Ryan
Bendross-Mindingall	Flanagan	Machek	Seiler
Bennett	Garcia	McGriff	Siplin
Betancourt	Gottlieb	Meadows	Slosberg
Brown	Greenstein	Melvin	Smith
Brutus	Harper	Needelman	Sobel
Bullard	Henriquez	Negron	Stansel
Cantens	Heyman	Peterman	Waters
Cusack	Holloway	Pickens	Weissman
Detert	Jennings	Prieguez	Wilson
Dockery	Joyner	Rich	Wishner
Evers	Kendrick	Richardson	

Votes after roll call:

Yeas—Harrington

Nays—Harrell

So the bill failed to pass.

CS/HB 1679—A bill to be entitled An act relating to public records; creating the Study Committee on Public Records; providing for membership and organization of the committee; providing purpose, duties, and responsibilities of the committee; requiring a report; providing for expiration of the committee; amending s. 28.2221, F.S., relating to electronic access to official records; revising declared state purpose with respect to such access; providing limitations with respect to a specified Internet index of documents; providing that county recorders may not place images or copies of specified public records on a publicly available Internet website for general public display; requiring that such records placed on the Internet prior to the effective date of the act be removed upon request; providing certain notice requirements and requiring publication of notice by county recorders and clerks of the court; providing that affected persons may petition the court for an order of compliance; requiring clerks of court to provide for electronic retrieval of images of certain documents by a specified date; providing an appropriation; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 921027)

Technical Amendment 3—On page 11, lines 22 through 24, remove: all of said lines

and insert: Services is directed to substitute the effective date of Council Substitute for House Bill 1679, First Engrossed, for the language “the effective date of this act” as used in section 28.2221(5)(b) and (c), Florida Statutes, as amended by section 2 of Council Substitute for House Bill 1679, First Engrossed.

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

The question recurred on the passage of CS/HB 1679. The vote was:

Session Vote Sequence: 1086

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Harrell, Justice, Kottkamp, Mack

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

HB 1103 was taken up. On motion by Rep. Goodlette, the rules were waived and—

SB 1334—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2000, 2001, and 2002 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2000 and 2001 shall be effective retroactively and that Florida Statutes 2002 shall be effective immediately upon publication; providing that general laws enacted during the November 1997 special session and the 1998, 1999, 2000, and 2001 sessions through the 2001 regular session that are not included in the Florida Statutes 2002 are repealed; providing that general laws enacted during the October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 regular session are not

repealed by this adoption act; providing that this act does not affect civil lawsuits pending on the date laws are repealed or adopted by this act; providing that retroactive application shall apply only to the extent permitted by the Florida and United States Constitutions; providing effective dates.

—was substituted for HB 1103 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

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

Representative(s) Simmons offered the following:

(Amendment Bar Code: 582021)

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

and insert:

Section 1. Section 11.2421, Florida Statutes, is amended to read:

11.2421 Florida Statutes 2002 ~~1999~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 1999, as amended, the public statutes of 2000, as amended, and the public statutes of 2001 ~~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 1997 enacted in additional reviser's bill or bills by the 1999 Legislature,~~ is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2002 ~~1999~~" and shall take effect immediately upon publication. Said statutes may be cited as "Florida Statutes 2002 ~~1999~~," "Florida Statutes," or "F.S. 2002 ~~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 2001 ~~1997~~ legislative session, and every part of such statute, not included in Florida Statutes 2002 ~~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 *October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 November 1997 special session, the 1998 regular session, and the 1999 regular session* are not repealed by the adoption and enactment of the Florida Statutes 2002 ~~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 2002 ~~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.

And the title is amended as follows:
remove: the entire title

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, F.S.; adopting the Florida Statutes 2002 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2002 shall be effective immediately upon publication; providing that general laws enacted during the 2001 regular session and prior thereto and not included in the Florida Statutes 2002 are repealed; providing that general laws enacted during the October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 regular session are not repealed by this adoption act.

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

On motion by Rep. Goodlette, the rules were waived and SB 1334, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1087

Yeas—115

The Chair	Cusack	Hogan	Negron
Alexander	Davis	Holloway	Paul
Allen	Detert	Jennings	Peterman
Andrews	Diaz-Balart	Johnson	Pickens
Argenziano	Dockery	Jordan	Prieguez
Arza	Evers	Joyner	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	Simmons
Benson	Gardiner	Lerner	Siplin
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	Murman	Wishner
Clarke	Heyman	Needelman	

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 911—A bill to be entitled An act relating to mandated health benefit coverages; requiring the Office of Legislative Services to contract for completion of a report on proposed mandated health coverages; specifying report review requirements; requiring a report to the Legislature; providing an effective date.

—was read the third time by title.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 970343)

Amendment 2—On page 3, lines 6-15,
remove: all of said lines

and insert:

(5) *Such contract shall be executed by August 1, 2002, and the report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2003.*

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

The question recurred on the passage of CS/HB 911. The vote was:

Session Vote Sequence: 1088

Yeas—113

The Chair	Davis	Johnson	Pickens
Alexander	Detert	Jordan	Prieguez
Allen	Diaz-Balart	Joyner	Rich
Andrews	Evers	Kallinger	Richardson
Argenziano	Farkas	Kendrick	Ritter
Attkisson	Fasano	Kilmer	Romeo
Atwater	Feeney	Kosmas	Ross
Ausley	Fields	Kottkamp	Rubio
Baker	Fiorentino	Kravitz	Russell
Barreiro	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	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	
Cusack	Jennings	Peterman	

Nays—None

Votes after roll call:

Yeas—Arza, Dockery, Flanagan, Justice

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

CS/HB 1591—A bill to be entitled An act relating to placement of uniform warning and safety flags on public beaches; creating s. 380.276, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the display of uniform warning and safety flags and the placement of specified uniform notification signs; providing that the Department of Community Affairs shall direct and coordinate a program for the display and placement of such flags and signs; providing for the development of the program; providing program components and requirements; authorizing the department to coordinate the implementation of the program with specified entities; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was read the third time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 473503)

Amendment 1 (with title amendment)—On page 1, line 23, remove: all of said line

and insert:

Section 1. Section 380.20, Florida Statutes, is amended to read:

380.20 Short title.—Sections ~~380.205-380.27~~ ~~380.205-380.24~~ may be cited as the “Florida Coastal Management Act.”

Section 2. Section 380.205, Florida Statutes, is amended to read:

380.205 Definitions.—As used in ss. ~~380.205-380.27~~ ~~380.21-380.24~~:

(1) “Department” means the Department of *Environmental Protection Community Affairs*.

(2) “Coastal zone” means that area of land and water from the territorial limits seaward to the most inland extent of marine influences. However, for planning and developing coordinated projects and initiatives for coastal resource protection and management, the department shall consider the coastal zone to be the geographical area encompassed by the 35 Florida coastal counties listed in the Final Environmental Impact Statement for the Florida Coastal Management Program and the adjoining territorial sea. It is not the intent of this definition to limit the authority currently exercised under the federal law and the federally approved Florida Coastal Management Program by which projects landward and seaward of the 35 coastal counties are reviewed for consistency with the Florida Coastal Management Program.

(3) “Coastal Zone Management Act” means the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451-1464).

Section 3. Subsections (1), (2), and (3) of section 380.21, Florida Statutes, are amended to read:

380.21 Legislative intent.—

(1) The Legislature finds that:

(a) The coast is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources, including, but not limited to, “energy facilities,” as that term is defined in s. 304(5) of the federal Coastal Zone Management Act of 1972, of immediate potential value to the present and future well-being of the residents of this state.

(b) It is in the state and national interest to protect, maintain, and develop these resources through coordinated management.

(c) State land and water management policies should, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development.

(2) The Legislature therefore grants authorization for the department to *maintain and update* ~~compile~~ a program based on existing statutes and existing rules and submit *applications* ~~an application~~ to the appropriate federal agency as a basis for receiving ~~administrative~~ funds under the federal Coastal Zone Management Act of 1972. It is the further intent of the Legislature that enactment of this legislation shall not amend existing statutes or provide additional regulatory authority to any governmental body except as otherwise provided by s. 380.23. The enactment of this legislation shall not in any other way affect any existing statutory or regulatory authority.

(3)(a) The Legislature finds that the coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the residents of this state which will be irretrievably lost or damaged if not properly managed. The participation by citizens of the state ~~is will~~ be an important factor in developing, *adopting, amending, and implementing a program plan* for management of the coastal zone, and management of the state’s coastal zone ~~requires will~~ require a highly coordinated effort among state, regional, and local officials and agencies.

(b) The state coastal zone management *program plan* shall ~~be a part of the state comprehensive plan~~. It shall contain *each of the program elements a boundary, policies, goals, and programs* necessary to comply with the requirements of the federal Coastal Zone Management Act of 1972, as amended (16 U.S.C. ss. 1451-1464), specifically delineating the role of state, regional, and local agencies in implementing the *program plan*; and it shall provide that the appeal of any regulatory decision, other than those appeals provided for by existing law, shall be to the Governor and Cabinet.

Section 4. Section 380.22, Florida Statutes, is amended to read:

380.22 Lead agency authority and duties.—

(1) The department shall be the lead agency pursuant to *the Coastal Zone Management Act 16 U.S.C. ss. 1451 et seq.*, and shall compile and submit to the appropriate federal agency *applications an application* to

receive funds pursuant to ~~the s. 306 of the federal~~ Coastal Zone Management Act of 1972, as amended (16 U.S.C. ss. 1451-1464). The ~~application for federal approval of the state's~~ program shall include program policies that only reference existing statutes and existing implementing administrative rules. In the event the ~~application or the~~ program submitted pursuant to this subsection is rejected by the appropriate federal agency because of failure of this act, the existing statutes, or the existing implementing administrative rules to comply with the requirements of the federal Coastal Zone Management Act of 1972, as amended, no state coastal management program shall become effective without prior legislative approval. The coastal management ~~application or~~ program may be amended from time to time to include changes in statutes and rules adopted pursuant to statutory authority other than this act.

(2) The department shall also have authority to:

(a) Establish advisory councils with sufficient geographic balance to ensure statewide representation.

(b) Coordinate central files and clearinghouse procedures for coastal resource data information and encourage the use of compatible information and standards.

(c) Provide to the extent practicable financial, technical, research, and legal assistance to effectuate the purposes of this act.

(d) Review rules of other affected agencies to determine consistency with the program and to report any inconsistencies to the Legislature.

(3) The department shall adopt by rule procedures and criteria for the evaluation of subgrant applications that seek to receive a portion of those funds allotted to the state under the federal Coastal Zone Management Act.

(4) The department shall establish a county-based process for identifying, and setting priorities for acquiring, coastal properties in coordination with the ~~Land Acquisition and Restoration Management Advisory Council~~, or its successor, so these properties may be acquired as part of the state's land acquisition programs. This process shall include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental sensitivity, recognize hazard mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

(5) In addition to other criteria established by statute or rule, the following criteria shall be considered when establishing priorities for public acquisition of coastal property:

(a) The value of acquiring coastal high-hazard parcels, consistent with hazard mitigation and postdisaster redevelopment policies, in order to minimize the risk to life and property and to reduce the need for future disaster assistance.

(b) The value of acquiring beachfront parcels, irrespective of size, to provide public access and recreational opportunities in highly developed urban areas.

(c) The value of acquiring identified parcels the development of which would adversely affect coastal resources.

(6) The department, ~~in coordination with the Florida Coastal Management Citizen's Advisory Committee~~, shall develop and implement a strategy to enhance citizen awareness and involvement in Florida's coastal management programs.

Section 5. Section 380.23, Florida Statutes, is amended to read:

380.23 Federal consistency.—

(1) When a *federally licensed or permitted* ~~an~~ activity ~~requires a permit or license~~ subject to federal consistency review *requires a state license*, the issuance or renewal of a state license shall automatically constitute the state's concurrence that the licensed activity or use, as licensed, is consistent with the federally approved program. When a

federally licensed or permitted ~~an~~ activity ~~requires a permit or license~~ subject to federal consistency review *requires a state license*, the denial of a state license shall automatically constitute the state's finding that the proposed activity or use is not consistent with the state's federally approved program, unless the United States Secretary of Commerce determines that such activity or use is in the national interest as provided in the ~~federal~~ Coastal Zone Management Act of 1972.

(2)(a) Where federal licenses, permits, activities, and projects listed in subsection (3) are subject to federal consistency review and are seaward of the jurisdiction of the state, or there is no state agency with sole jurisdiction, the department shall be responsible for the consistency review and determination; however, the department shall not make a determination that the license, permit, activity, or project is consistent if any other state agency with significant analogous responsibility makes a determination of inconsistency. All decisions and determinations under this subsection shall be appealable to the Governor and Cabinet.

(b) However, effective October 1, 1992, if a finding or recommendation of inconsistency has been made by a state agency with regard to federal activities and projects listed under paragraphs (3)(a) and (b) and the inconsistency cannot be resolved by the department, the department shall refer such finding or recommendation to the Governor for final determination. The Governor shall review the comments, findings, or recommendations of all participating agencies and shall affirm the finding or recommendation of inconsistency unless the Governor determines that the federal activity or project is consistent with the enforceable social, economic, and environmental policies of the coastal management program. Any permitting, licensing, or proprietary authority of an agency shall not be preempted or otherwise limited by any provision of this paragraph. Consistency determinations made pursuant to this paragraph shall not be appealable to the Governor or Cabinet.

(3) Consistency review shall be limited to review of the following activities, uses, and projects to ensure that such activities and uses are conducted in accordance with the state's coastal management program:

(a) Federal development projects and activities of federal agencies which significantly affect coastal waters and the adjacent shorelands of the state.

(b) Federal assistance projects which significantly affect coastal waters and the adjacent shorelands of the state and which are reviewed as part of the review process developed pursuant to *Presidential Executive Order 12372 OMB Circular A-95*.

(c) Federally licensed or permitted activities affecting land or water uses when such activities are in or seaward of the jurisdiction of local governments required to develop a coastal zone protection element as provided in s. 380.24 and when such activities involve:

1. *Permits and licenses* required under ~~ss. 10 and 11 of the Rivers and Harbors Act of 1899, 33 U.S.C. ss. 401 et seq.~~, as amended.

2. *Permits and licenses* required under ~~s. 103 of the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss. 1401-1445 and 16 U.S.C. ss. 1431-1445~~, as amended.

3. *Permits and licenses* required under ~~ss. 201, 402, 403, 404, and 405 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq.~~, as amended, unless such permitting activities ~~pursuant to such sections~~ have been delegated to the state pursuant to said act.

4. ~~Permits required under the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 33 U.S.C. ss. 1401, 1402, 1411-1421, and 1441-1444.~~

5. ~~Permits for the construction of bridges and causeways in navigable waters required pursuant to 33 U.S.C. s. 401, as amended.~~

4.6. *Permits and licenses* relating to the transportation of hazardous substance materials or transportation and dumping which are issued

pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. ss. 1501, ~~et seq. 1801-1812~~, as amended, or 33 U.S.C. s. 1321 ~~419~~, as amended.

5.7. Permits and licenses required under 15 ~~43~~ U.S.C. ss. 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. 1331-1356 ~~s. 717~~ for construction and operation of interstate gas pipelines and storage facilities.

8. ~~Permits required under 15 U.S.C. s. 717, as amended, for construction and operation of facilities needed to import and export natural gas.~~

6.9. Permits and licenses required for the siting and construction of any new electrical power plants as defined in s. 403.503(12), as amended.

7.10. Permits and licenses required for drilling and mining on public lands.

8.11. Permits *and licenses* for areas leased under the OCS Lands Act, 43 U.S.C. ss. 1331 *et seq.*, as amended, including leases and approvals ~~under 43 U.S.C. s. 1331, as amended~~, of exploration, development, and production plans.

9.12. Permits for pipeline rights-of-way for oil and gas transmissions.

10.13. Permits and licenses required for deepwater ports under 33 U.S.C. s. 1503, as amended.

11.14. Permits required for the taking of marine mammals under the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1374 ~~s. 104~~.

(d) Federal activities within the territorial limits of neighboring states when the Governor and the department determine that significant individual or cumulative impact to the land or water resources of the state would result from the activities.

(4) The department *is authorized to adopt rules establishing procedures for conducting consistency reviews of activities, uses, and projects for which consistency review is required pursuant to subsections (1), (2), and (3). Such rules shall include* ~~by rule adopt~~ procedures for the expeditious handling of emergency repairs to existing facilities for which consistency review is required ~~pursuant to subsections (1), (2), and (3).~~ *The department is also authorized to adopt rules prescribing the data and information needed for the review of consistency certifications and determinations.*

(5) In any coastal management program submitted to the appropriate federal agency for its approval pursuant to this act, the department shall specifically waive its right to determine the consistency with the coastal management program of all federally licensed or permitted activities not specifically listed in subsection (3).

(6) *Agencies authorized to review and comment on the consistency of federal activities subject to state review under the Florida Coastal Management Program are those agencies charged with the implementation of the statutes and rules included in the federally approved program. Each agency shall be afforded an opportunity to provide the department or the state licensing agency with its comments and determination regarding the consistency of the federal activity with the statutes and rules included in the federally approved program implemented by the agency. An agency that submits a determination of inconsistency to the department or a state licensing agency shall be an indispensable party to any administrative or judicial proceeding in which such determination is an issue, shall be responsible for defending its determination in such proceedings, and shall be liable for any damages, costs, and attorney's fees awarded in the action as a consequence of such determination.*

(7)(6) Agencies shall not review for federal consistency purposes an application for a federally licensed or permitted activity if the activity is vested, exempted, or excepted under its own regulatory authority.

(8)(7) The department shall review the items listed in subsection (3) to determine if in certain circumstances such items would constitute minor permit activities. If the department determines that the list contains minor permit activities, it may by rule establish a program of general concurrence pursuant to federal regulation which shall allow similar minor activities, in the same geographic area, to proceed without prior department review for federal consistency.

~~(8) This section shall not apply to the review of federally licensed or permitted activities for which permit applications are filed with the appropriate federal agency prior to approval of the state coastal management program by the appropriate federal agency pursuant to 16 U.S.C. ss. 1451 et seq.~~

Section 6. Section 380.285, Florida Statutes, is amended to read:

380.285 Lighthouses; study; preservation; funding.—

~~(1) The Coastal Management Program of the Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Coastal Management Program and the Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of Community Affairs should consider these responsibilities to be a priority of the Florida Coastal Management Program, and implementation of this act should be a priority in the use of coastal management funds.~~

~~(2) The Department of Community Affairs and the Department of State shall request in *its* their annual legislative budget requests request funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection Community Affairs may assist the Division of Historical Resources in projects to accomplish *the goals and activities described in this section* lighthouse identification, assessment, restoration, and interpretation.~~

Section 7. *As described in the Governor's budget recommendation for fiscal year 2002-2003, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Florida Coastal Management Program as provided for in ss. 380.20-380.285, Florida Statutes, currently assigned to and administered by the Department of Community Affairs are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Environmental Protection.*

Section 8. Subsection (40) is added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(40) *Serve as the state's single point of contact for performing the responsibilities described in Presidential Executive Order 12372, including administration and operation of the Florida State Clearinghouse. The Florida State Clearinghouse shall be responsible for coordinating interagency reviews of the following: federal activities and actions subject to the federal consistency requirements of s. 307 of the Coastal Zone Management Act; documents prepared pursuant to the National Environmental Policy Act, 42 U.S.C. ss. 4321, et seq., and the Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.; applications for federal funding pursuant to s. 216.212, Florida Statutes;*

and other notices and information regarding federal activities in the state, as appropriate. The Florida State Clearinghouse shall ensure that state agency comments and recommendations on the environmental, social, and economic impact of proposed federal actions are communicated to federal agencies, applicants, local governments, and interested parties.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 9. Section 380.276, Florida Statutes, is

And the title is amended as follows:

On page 1, lines 2 and 3,
remove: all of said lines

and insert: An act relating to Florida's coasts and public beaches; amending s. 380.20, F.S.; revising those sections of Florida Statutes which comprise the Florida Coastal Management Act; amending s. 380.205, F.S.; providing definitions; transferring the state coastal management program functions from the Department of Community Affairs to the Department of Environmental Protection; amending s. 380.21, F.S.; clarifying legislative intent for the Coastal Zone Management Program; amending s. 380.22, F.S.; clarifying the duties and authority of the lead agency; amending s. 380.23, F.S.; clarifying procedures for the granting or denial of a state license for a federally licensed or permitted activity; amending s. 380.285, F.S.; authorizing the Department of Environmental Protection to assist in the study, preservation, and funding of lighthouses on the Florida coast; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection by type two transfer; amending s. 403.061, F.S.; allowing the Department of Environmental Protection to serve as the single point of contact for performing specified responsibilities, including administration and operation of the Florida State Clearinghouse; creating s.

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

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 915749)

Amendment 2 (with title amendment)—On page 2, lines 7 and 16, and on page 3, lines 5 and 15,
remove: "Community Affairs"

and insert: Environmental Protection

And the title is amended as follows:

On page 1, line 10,
remove: "Community Affairs"

and insert: Environmental Protection

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

The question recurred on the passage of CS/HB 1591. The vote was:

Session Vote Sequence: 1089

Yeas—115

The Chair	Attkisson	Bendross-Mindingall	Bilirakis
Alexander	Atwater	Bennett	Bowen
Allen	Ausley	Bense	Brown
Andrews	Baker	Benson	Brummer
Argenziano	Barreiro	Berfield	Brutus
Arza	Bean	Betancourt	Bucher

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

Nays—None

Votes after roll call:

Yeas—Jennings, Justice

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

HB 1927—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing for appointment by the Governor; providing an effective date.

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

Session Vote Sequence: 1090

Yeas—113

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

Waters
Weissman

Wiles

Wilson

Wishner

Stansel
TrovillionWallace
WatersWeissman
WilesWilson
Wishner

Nays—None

Votes after roll call:

Yeas—Gottlieb, Jennings, Justice

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

CS/CS/HB 461—A bill to be entitled An act relating to enterprise zones; amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade, & Economic Development to amend the boundaries of certain enterprise zones; creating s. 290.00686, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Brevard County; providing requirements with respect thereto; authorizing the City of Pensacola to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in the City of Pensacola; authorizing the office to designate one enterprise zone in the City of Pensacola; providing requirements with respect thereto; authorizing Leon County, or Leon County and the City of Tallahassee jointly, to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Leon County; authorizing the office to designate one enterprise zone notwithstanding certain limitations; providing requirements with respect thereto; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements with respect thereto; authorizing certain counties to apply for amendment of enterprise zone boundary lines; providing deadlines; prescribing conditions applicable to the areas proposed for addition to the enterprise zone; directing the Office of Tourism, Trade, and Economic Development to approve such amendment under certain conditions; providing application; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing limitations; providing an effective date.

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

Session Vote Sequence: 1091

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1979—A bill to be entitled An act relating to local government accountability; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; amending s. 11.45, F.S.; revising reporting requirements of the Auditor General; amending s. 75.05, F.S.; deleting a requirement for an independent special district to submit a copy of a complaint to the Division of Bond Finance of the State Board of Administration; amending s. 112.625, F.S.; revising the definition of “governmental entity” to include counties and district school boards; amending s. 112.63, F.S.; providing for additional information to be provided to the Department of Management Services in actuarial reports with regard to retirement systems and plans and providing procedures therefor; providing for notification of the Department of Revenue and the Department of Banking and Finance, or the Chief Financial Officer on or after January 1, 2003, in cases of noncompliance and authorizing the withholding of certain funds; requiring the Department of Management Services to notify the Department of Community Affairs in the case of affected special districts; amending s. 130.04, F.S.; revising provisions governing notice of bids and disposition of bonds; amending s. 132.02, F.S.; revising provisions relating to the authorization to issue refund bonds; amending s. 132.09, F.S.; revising provisions relating to the notice of sale, bids, and awards and private sale of bonds; amending s. 163.05, F.S.; revising provisions governing the Small County Technical Assistance Program; amending s. 166.121, F.S.; revising provisions governing the issuance of bonds by a municipality; amending s. 166.241, F.S.; providing a municipal budget amendment process and requirements; amending s. 189.4044, F.S.; revising special procedures for determination of inactive special districts; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising reporting requirements of newly created special districts; authorizing the governing body of a special district to amend its budget; amending s. 189.419, F.S.; revising provisions relating to the failure of special districts to file required reports; amending s. 189.421, F.S.; revising provisions governing the failure of special districts to disclose financial reports; providing for extension of time for the filing of said reports; providing remedies for noncompliance; providing for attorney’s fees and costs; amending s. 189.428, F.S.; revising provisions governing the special district oversight review process; amending s. 189.439, F.S.; revising provisions governing the issuance of bonds by special districts; amending s. 215.981, F.S.; exempting state agency direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; amending s. 218.075, F.S.; revising provisions governing the reduction or waiver of permit processing fees for certain counties; amending s. 218.32, F.S., relating to annual financial reports; requiring the Department of Banking and Finance to notify the Speaker of the House of Representatives and the President of the Senate of any municipality that has not had financial activity for a specified period of time; providing that such notice is sufficient to initiate dissolution procedures; amending s. 218.36, F.S.; revising reporting requirements for boards of county commissioners relating to the failure of a county officer to comply with the provisions of the section; amending s. 218.369, F.S.; revising the definition of “unit of local government” to include district school boards; renaming pt. V of ch. 218, F.S., as “Local Governmental Entity and District School Board Financial Emergencies”; amending s. 218.50, F.S.; renaming ss. 218.50-218.504, F.S., as the “Local Governmental Entity and District School Board Act”; amending s. 218.501, F.S.; revising the stated purposes of pt. V of ch. 218, F.S.; amending s. 218.502, F.S.; revising the definition of “local governmental entity”; amending s. 218.503, F.S.; revising provisions governing the determination of financial emergency for local governments and district school boards; amending s. 218.504, F.S.; revising provisions relating to the authority of the Governor and

authorizing the Commissioner of Education to terminate all state actions pursuant to ss. 218.50-218.504, F.S.; amending s. 236.43, F.S.; revising provisions governing receipt of bids and sale of bonds; amending ss. 237.40, 240.299, and 240.331, F.S.; exempting district school board direct-support organizations and citizen support organizations meeting specified expense levels from audit requirements; repealing ch. 131, F.S., consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06, F.S., relating to refunding bonds of counties, municipalities, and special districts; repealing s. 132.10, F.S., relating to minimum sale price of bonds; repealing s. 165.052, F.S., relating to special dissolution procedures for municipalities; repealing s. 189.409, F.S., relating to determination of financial emergencies of special districts; repealing s. 189.422, F.S., relating to actions of the Department of Community Affairs and special districts; repealing s. 200.0684, F.S., relating to an annual compliance report of the Department of Community Affairs regarding special districts; repealing s. 218.37(1)(h), F.S., relating to the requirement that the Division of Bond Finance use a served copy of the complaint for bond validation to verify compliance by special districts with the requirements in s. 218.38, F.S.; providing effective dates.

—was read the third time by title.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 613937)

Amendment 2 (with title amendment)—On page 43, between lines 23 and 24, of the bill

insert:

Section 42. Effective July 1, 2002, section 215.195, Florida Statutes, is amended to read:

215.195 Agency deposits relating to the Statewide Cost Allocation Plan.—

(1) APPLICATION FOR ALLOCABLE STATEWIDE OVERHEAD.—Each state agency, and the judicial branch, making application for federal grant or contract funds shall, in accordance with the Statewide Cost Allocation Plan (SWCAP), include in its application a prorated share of the cost of services provided by state central service agencies which are reimbursable to the state pursuant to the provisions of Office of Management and Budget Circular A-87. *Preparation of the Statewide Cost Allocation Plan and coordination thereof with all applicable parties is the responsibility of the Comptroller. The Comptroller shall ensure that the SWCAP presents the most favorable allocation of central services cost allowable to the state by the Federal Government.*

(2) DEPOSIT OF OVERHEAD IN THE GENERAL REVENUE FUND.—If an application for federal grant or contract funds is approved, the state agency or judicial branch receiving the federal grant or contract shall identify that portion representing reimbursement of allocable statewide overhead and deposit that amount into the General Revenue Fund unallocated as directed by the ~~Comptroller Executive Office of the Governor~~. *The Comptroller shall be responsible for monitoring agency compliance with this section.*

Section 43. Effective July 1, 2002, section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(1) The purposes of the section are to:

(a) Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

(b) Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities.

(c) Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities.

(d) Provide for identification of state financial assistance transactions in the appropriations act, state accounting records, and recipient organization records.

(e) Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance.

(f) Ensure, to the maximum extent possible, that state agencies monitor, use, and followup on audits of state financial assistance provided to nonstate entities.

(2) Definitions; as used in this section, the term:

(a) “Audit threshold” means the *threshold* amount *used to determine to use in determining* when a state single audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$300,000 in any fiscal year of such nonstate entity shall be required to have a state single audit for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Comptroller, and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~, shall review the *threshold* amount for requiring audits under this section and may adjust such *threshold dollar* amount consistent with the *purposes* ~~purpose~~ of this section.

(b) “Auditing standards” means the auditing standards as stated in the rules of the Auditor General as applicable to for-profit organizations, nonprofit organizations, or local governmental entities.

(c) “Catalog of State Financial Assistance” means a comprehensive listing of state projects. The Catalog of State Financial Assistance shall be issued by the ~~Comptroller Executive Office of the Governor~~ after conferring with the ~~Comptroller~~ and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~. The Catalog of State Financial Assistance shall include for each listed state project: the responsible state *awarding* agency; standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary.

(d) “*Coordinating agency*” means the state *awarding* agency that provides the predominant amount of state financial assistance expended by a recipient, as determined by the recipient’s Schedule of Expenditures of State Financial Assistance. *To provide continuity, the determination of the predominant amount of state financial assistance shall be based upon state financial assistance expended in the recipient’s fiscal years ending in 2003, 2006, and 2009, and every third year thereafter.*

(e)(~~d~~) “Financial reporting package” means the nonstate entities’ financial statements, Schedule of *Expenditures of State Financial Assistance*, auditor’s reports, management letter, auditee’s written responses or corrective action plan, correspondence on followup of prior years’ corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of this section.

(f)(e) “Federal financial assistance” means financial assistance from federal sources passed through the state and provided to nonstate ~~organizations~~ *entities* to carry out a federal program. “Federal financial assistance” includes all types of federal assistance as defined in applicable United States Office of Management and Budget circulars.

(g)(~~f~~) “For-profit organization” means any organization or sole proprietor ~~that but~~ is not a local governmental entity or a nonprofit organization.

(h)(~~g~~) “Independent auditor” means an external state or local ~~governmental~~ *government* auditor or a certified public accountant who meets the independence standards.

(i)(~~h~~) “Internal control over state projects” means a process, effected by a *nonstate* ~~an~~ entity’s management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations.
2. Reliability of financial operations.
3. Compliance with applicable laws and regulations.

(j)(4) "Local governmental entity" means a county agency, municipality, or special district or any other entity (other than a district school board, *charter school*, or community college, or public university), however styled, which independently exercises any type of governmental function *within the state*.

(k)(4) "Major state project" means any state project meeting the criteria as stated in the rules of the ~~Comptroller Executive Office of the Governor~~. Such criteria shall be established after consultation with *all the Comptroller and appropriate state awarding agencies that provide state financial assistance* and shall consider the amount of state project expenditures *and* or expenses or inherent risks. Each major state project shall be audited in accordance with the requirements of this section.

(l)(4) "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that:

1. Is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest;
2. Is not organized primarily for profit;
3. Uses net proceeds to maintain, improve, or expand the operations of the organization; and
4. Has no part of its income or profit distributable to its members, directors, or officers.

(m)(4) "Nonstate entity" means a local governmental entity, nonprofit organization, or for-profit organization that receives state financial assistance resources.

(n) "*Nonstate organization*" means a local governmental entity, nonprofit organization, or for-profit organization that receives state resources.

(o)(4) "Recipient" means a nonstate entity that receives state financial assistance directly from a state awarding agency.

(p)(4) "Schedule of Expenditures of State Financial Assistance" means a document prepared in accordance with the rules of the Comptroller and included in each financial reporting package required by this section.

(q)(4) "State awarding agency" means *a* the state agency, as defined in s. 216.011, that provides provided state financial assistance to a the nonstate entity.

(r)(4) "State financial assistance" means ~~financial assistance from state resources, not including federal financial assistance and state matching on federal programs, provided to a nonstate entity entities to carry out a state project. "State financial assistance" shall include the includes all types of state resources assistance as stated in the rules of the Comptroller Executive Office of the Governor established in consultation with all the Comptroller and appropriate state awarding agencies that provide state financial assistance. It includes State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities recipients of state awards or subrecipients. State financial assistance~~ It does not include procurement contracts used to buy goods or services from vendors *and*. Audits of such procurement contracts with vendors are outside of the scope of this section. Also, audits of contracts to operate state-owned state-government-owned and contractor-operated facilities are excluded from the audit requirements of this section.

(s)(4) "State matching" means state resources provided to a nonstate entity entities to be used to meet federal financial participation matching requirements of federal programs.

(t) "State program" means a set of special purpose activities undertaken to realize identifiable goals and objectives in order to achieve

a state agency's mission and legislative intent requiring accountability for state resources.

(u)(4) "State project" means a state program that provides all state financial assistance to a nonstate organization and that must be entity assigned a single state project number identifier in the Catalog of State Financial Assistance.

(v)(4) "State Projects Compliance Supplement" means a document issued by the ~~Comptroller Executive Office of the Governor~~, in consultation with the ~~Comptroller~~ and all state awarding agencies that provide state financial assistance. The State Projects Compliance Supplement shall identify state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(w)(4) "State project-specific audit" means an audit of one state project performed in accordance with the requirements of subsection (10) (9).

(x)(4) "State single audit" means an audit of a nonstate entity's financial statements and state financial assistance. Such audits shall be conducted in accordance with the auditing standards as stated in the rules of the Auditor General.

(y)(4) "Subrecipient" means a nonstate entity that receives state financial assistance through another nonstate entity.

(z)(4) "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. These goods or services may be for an organization's own use or for the use of beneficiaries of the state project.

(3) The Executive Office of the Governor shall be responsible for notifying the Comptroller of any actions during the budgetary process that impact the Catalog of State Financial Assistance.:

(a) ~~Upon conferring with the Comptroller and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the requirements of this section, including:~~

1. ~~The types or classes of financial assistance considered to be state financial assistance which would be subject to the requirements of this section. This would include guidance to assist in identifying when the state agency or recipient has contracted with a vendor rather than with a recipient or subrecipient.~~

2. ~~The criteria for identifying a major state project.~~

3. ~~The criteria for selecting state projects for audits based on inherent risk.~~

(b) ~~Be responsible for coordinating the initial preparation and subsequent revisions of the Catalog of State Financial Assistance after consultation with the Comptroller and all state awarding agencies.~~

(c) ~~Be responsible for coordinating the initial preparation and subsequent revisions of the State Projects Compliance Supplement, after consultation with the Comptroller and all state awarding agencies.~~

(4) The Comptroller shall:

(a) *Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance relating to the requirements of this section, including:*

1. *The types or classes of state resources considered to be state financial assistance that would be subject to the requirements of this section. This would include guidance to assist in identifying when the state awarding agency or a nonstate entity has contracted with a vendor rather than with a recipient or subrecipient.*

2. *The criteria for identifying a major state project.*
3. *The criteria for selecting state projects for audits based on inherent risk.*

(b) *Be responsible for coordinating revisions to the Catalog of State Financial Assistance after consultation with the Executive Office of the Governor and all state awarding agencies.*

(c) *Be responsible for coordinating with the Executive Office of the Governor actions affecting the budgetary process under paragraph (b).*

(d) *Be responsible for coordinating revisions to the State Projects Compliance Supplement, after consultation with the Executive Office of the Governor and all state awarding agencies.*

(e)(a) *Make enhancements to the state's accounting system to provide for the:*

1. *Recording of state financial assistance and federal financial assistance appropriations and expenditures within the state awarding agencies' operating funds.*

2. *Recording of state project number identifiers, as provided in the Catalog of State Financial Assistance, for state financial assistance.*

3. *Establishment and recording of an identification code for each financial transaction, including state awarding agencies' disbursements of state financial assistance and federal financial assistance, as to the corresponding type or organization that is party to the transaction (e.g., other governmental agencies, nonprofit organizations, and for-profit organizations), and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a nonstate entity recipient or subrecipient.*

(f)(b) *Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities recipients and subrecipients, and independent auditors of state financial assistance relating to the format for the Schedule of Expenditures of State Financial Assistance.*

(g)(e) *Perform any inspections, reviews, investigations, or audits of state financial assistance considered necessary in carrying out the Comptroller's legal responsibilities for state financial assistance or to comply with the requirements of this section.*

(5) *Each state awarding agency shall:*

(a) *Provide to each a recipient information needed by the recipient to comply with the requirements of this section, including:*

1. *The audit and accountability requirements for state projects as stated in this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.*

2. *Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project including objectives, restrictions, and other relevant information determined necessary.*

3. *Information from the State Projects Compliance Supplement, including the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.*

(b) *Require the recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the Comptroller, and the Auditor General access to the recipient's records and the recipient's independent auditor's working papers as necessary for complying with the requirements of this section.*

(c) *Notify the recipient that this section does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state awarding agency inspector general, the Auditor General, or any other state official.*

(d) *Be provided one copy of each financial reporting package prepared in accordance with the requirement of this section.*

(e) *Review the recipient's recipient financial reporting package, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance that is specific to provided by the state awarding agency.*

(f) *Designate within the state awarding agency a division, bureau, or other organizational unit that will be responsible for reviewing financial reporting packages pursuant to paragraph (e).*

If the state awarding agency is not the coordinating agency as defined in paragraph (2)(d), the state awarding agency's designated division, bureau, or other organizational unit shall communicate to the coordinating agency the state awarding agency's approval of the recipient's corrective action plan with respect to findings and recommendations that are not specific to the state awarding agency.

(6) *Each coordinating agency shall:*

(a) *Review the recipient's financial reporting package, including the management letter and corrective action plan, to identify audit findings and recommendations that affect state financial assistance that is not specific to a particular state awarding agency.*

(b) *For any such findings and recommendations determine:*

1. *Whether timely and appropriate corrective action has been taken.*

2. *Promptly inform the state awarding agency's contact, as designated pursuant to paragraph (5)(f), of actions taken by the recipient to comply with the approved corrective action plan.*

(c) *Maintain records of followup actions taken for the use of any succeeding coordinating agency.*

(7)(c) *As a condition of receiving state financial assistance, each nonstate entity recipient that provides state financial assistance to a subrecipient shall:*

(a) *Provide to each a subrecipient information needed by the subrecipient to comply with the requirements of this section, including:*

1. *Identification of the state awarding agency.*

2. *The audit and accountability requirements for state projects as stated in this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.*

3. *Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.*

4. *Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.*

(b) *Review the financial reporting package of the subrecipient audit reports, including the management letter and corrective action plan letters, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance provided by a the state awarding agency or nonstate entity.*

(c) *Perform such other procedures as specified in terms and conditions of the written agreement with the state awarding agency or nonstate entity including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.*

(d) *Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of the nonstate entity recipient, the state awarding agency, the Comptroller, and the Auditor*

General access to the subrecipient's records and the subrecipient's independent auditor's working papers as necessary to comply with the requirements of this section.

(8)(7) Each recipient or subrecipient of state financial assistance shall comply with the following:

(a) Each nonstate entity that ~~receives state financial assistance and~~ meets the audit threshold requirements, in any fiscal year of the nonstate entity, as stated in the rules of the Auditor General, shall have a state single audit conducted for such fiscal year in accordance with the requirements of this act and with additional requirements established in ~~rules of the Executive Office of the Governor,~~ rules of the Comptroller, and rules of the Auditor General. If only one state project is involved in a nonstate entity's fiscal year, the nonstate entity may elect to have only a state project-specific audit ~~of the state project for that fiscal year.~~

(b) Each nonstate entity that ~~receives state financial assistance and~~ does not meet the *audit* threshold requirements, in any fiscal year of the nonstate entity, as stated in this law or the rules of the Auditor General is exempt for such fiscal year from the state single audit requirements of this section. However, such nonstate entity must meet terms and conditions specified in the written agreement with the state awarding agency or nonstate entity.

(c) Regardless of the amount of ~~the~~ state financial assistance, the provisions of this section do not exempt a nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such nonstate entity or allowing access and examination of those records by the state awarding agency, nonstate entity, the Comptroller, or the Auditor General.

(d) Audits conducted pursuant to this section shall be performed annually.

(e) Audits conducted pursuant to this section shall be conducted by independent auditors in accordance with auditing standards as stated in rules of the Auditor General.

(f) Upon completion of the audit as required by this section, a copy of the recipient's financial reporting package shall be filed with the state awarding agency and the Auditor General. Upon completion of the audit as required by this section, a copy of the subrecipient's financial reporting package shall be filed with the *nonstate entity recipient* that provided the state financial assistance and *the Auditor General*. The financial reporting package shall be filed in accordance with the rules of the Auditor General.

(g) All financial reporting packages prepared pursuant to the requirements of this section shall be available for public inspection.

(h) If an audit conducted pursuant to this section discloses any significant audit findings relating to state financial assistance, including material noncompliance with individual state project compliance requirements or reportable conditions in internal controls of the nonstate entity, the nonstate entity shall submit as part of the *financial reporting audit* package to the state awarding agency or nonstate entity a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary.

(i) An audit conducted in accordance with this section is in addition to any audit of federal awards required by the federal Single Audit Act and other federal laws and regulations. To the extent that such federally required audits provide the state awarding agency or nonstate entity with information it requires to carry out its responsibilities under state law or other guidance, ~~the~~ a state awarding agency or nonstate entity shall rely upon and use that information.

(j) Unless prohibited by law, the ~~costs~~ *costs* of audits pursuant to this section ~~are~~ allowable charges to state projects. However, any charges to state projects should be limited to those incremental costs incurred as a result of the audit requirements of this section in relation to other audit requirements. The nonstate entity should allocate such incremental costs to all state projects for which it expended state financial assistance.

(k) Audit costs may not be charged to state projects when audits required by this section have not been made or have been made but not in accordance with this section. If a nonstate entity fails to have an audit conducted consistent with this section, a state awarding agency or nonstate entity ~~agencies~~ may take appropriate corrective action to enforce compliance.

(l) This section does not prohibit the state awarding agency or nonstate entity from including terms and conditions in the written agreement which require additional assurances that state financial assistance meets the applicable requirements of laws, regulations, and other compliance rules.

(m) A state awarding agency or nonstate entity that ~~provides state financial assistance to nonstate entities and~~ conducts or arranges for audits of state financial assistance that are in addition to the audits conducted under this act, *including audits of nonstate entities that do not meet the audit threshold requirements*, shall, consistent with other applicable law, arrange for funding the full cost of such additional audits.

(9)(8) The independent auditor when conducting a state single audit of a nonstate entity ~~recipients or subrecipients~~ shall:

(a) Determine whether the nonstate entity's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles.

(b) Determine whether state financial assistance shown on the Schedule of *Expenditures of State Financial Assistance* is presented fairly in all material respects in relation to the nonstate entity's financial statements taken as a whole.

(c) With respect to internal controls pertaining to each major state project:

1. Obtain an understanding of internal controls;

2. Assess control risk;

3. Perform tests of controls unless the controls are deemed to be ineffective; and

4. Determine whether the nonstate entity has internal controls in place to provide reasonable assurance of compliance with the provisions of laws and rules pertaining to state financial assistance that have a material effect on each major state project.

(d) Determine whether each major state project complied with the provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which have a material effect on each major state project. When major state projects are less than 50 percent of the nonstate entity's total expenditures for all state financial assistance, the auditor shall select and test additional state projects as major state projects as necessary to achieve audit coverage of at least 50 percent of the expenditures for all state financial assistance provided to the nonstate entity. Additional state projects needed to meet the 50-percent requirement may be selected on an inherent risk basis as stated in the rules of the ~~Comptroller Executive Office of the Governor~~.

(e) Report on the results of any audit conducted pursuant to this section in accordance with the ~~rules of the Executive Office of the Governor,~~ rules of the Comptroller, and rules of the Auditor General. *Financial reporting packages Audit reports* shall include summaries of the auditor's results regarding the nonstate entity's financial statements; Schedule of *Expenditures of State Financial Assistance*; internal controls; and compliance with laws, rules, and guidelines.

(f) Issue a management letter as prescribed in the rules of the Auditor General.

(g) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the Comptroller, or the Auditor General for review or copying.

(10)(9) The independent auditor, when conducting a state project-specific audit of a nonstate entity recipients or subrecipients, shall:

(a) Determine whether the nonstate entity's Schedule of Expenditures of State Financial Assistance is presented fairly in all material respects in conformity with stated accounting policies.

(b) Obtain an understanding of internal controls control and perform tests of internal controls control over the state project consistent with the requirements of a major state project.

(c) Determine whether or not the auditee has complied with applicable provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which could have a direct and material effect on the state project.

(d) Report on the results of the a state project-specific audit consistent with the requirements of the state single audit and issue a management letter as prescribed in the rules of the Auditor General.

(e) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the Comptroller, or the Auditor General for review or copying.

(11)(10) The Auditor General shall:

(a) Have the authority to audit state financial assistance provided to any nonstate entity when determined necessary by the Auditor General or when directed by the Legislative Auditing Committee.

(b) Adopt rules that state the auditing standards that independent auditors are to follow for audits of nonstate entities required by this section.

(c) Adopt rules that describe the contents and the filing deadlines for the financial reporting package.

(d) Provide technical advice upon request of the Comptroller, Executive Office of the Governor, and state awarding agencies relating to financial reporting and audit responsibilities contained in this section.

(e) Be provided one copy of each financial reporting package prepared in accordance with the requirements of this section.

(f) Perform ongoing reviews of a sample of financial reporting packages filed pursuant to the requirements of this section to determine compliance with the reporting requirements of this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Auditor General.

Section 44. *Effective July 1, 2002, one full-time equivalent position is transferred from the Executive Office of the Governor to the Comptroller.*

Section 45. *Effective January 1, 2003, section 215.195, Florida Statutes, as amended by this act, is amended to read:*

215.195 Agency deposits relating to the Statewide Cost Allocation Plan.—

(1) APPLICATION FOR ALLOCABLE STATEWIDE OVERHEAD.—Each state agency, and the judicial branch, making application for federal grant or contract funds shall, in accordance with the Statewide Cost Allocation Plan (SWCAP), include in its application a prorated share of the cost of services provided by state central service agencies which are reimbursable to the state pursuant to the provisions of Office of Management and Budget Circular A-87. Preparation of the Statewide Cost Allocation Plan and coordination thereof with all applicable parties is the responsibility of the Chief Financial Officer Comptroller. The Chief Financial Officer Comptroller shall ensure that the SWCAP presents the most favorable allocation of central services cost allowable to the state by the Federal Government.

(2) DEPOSIT OF OVERHEAD IN THE GENERAL REVENUE FUND.—If an application for federal grant or contract funds is

approved, the state agency or judicial branch receiving the federal grant or contract shall identify that portion representing reimbursement of allocable statewide overhead and deposit that amount into the General Revenue Fund unallocated as directed by the Chief Financial Officer Comptroller. The Chief Financial Officer Comptroller shall be responsible for monitoring agency compliance with this section.

Section 46. *Effective January 1, 2003, section 215.97, Florida Statutes, as amended by this act, is amended to read:*

215.97 Florida Single Audit Act.—

(1) The purposes of the section are to:

(a) Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

(b) Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities.

(c) Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities.

(d) Provide for identification of state financial assistance transactions in the appropriations act, state accounting records, and recipient organization records.

(e) Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance.

(f) Ensure, to the maximum extent possible, that state agencies monitor, use, and followup on audits of state financial assistance provided to nonstate entities.

(2) Definitions; as used in this section, the term:

(a) "Audit threshold" means the threshold amount used to determine when a state single audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$300,000 in any fiscal year of such nonstate entity shall be required to have a state single audit for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Chief Financial Officer Comptroller, and all state awarding agencies, shall review the threshold amount for requiring audits under this section and may adjust such threshold dollar amount consistent with the purposes of this section.

(b) "Auditing standards" means the auditing standards as stated in the rules of the Auditor General as applicable to for-profit organizations, nonprofit organizations, or local governmental entities.

(c) "Catalog of State Financial Assistance" means a comprehensive listing of state projects. The Catalog of State Financial Assistance shall be issued by the Chief Financial Officer Comptroller after conferring with all state awarding agencies. The Catalog of State Financial Assistance shall include for each listed state project: the responsible state awarding agency; standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary.

(d) "Coordinating agency" means the state awarding agency that provides the predominant amount of state financial assistance expended by a recipient, as determined by the recipient's Schedule of Expenditures of State Financial Assistance. To provide continuity, the determination of the predominant amount of state financial assistance shall be based upon state financial assistance expended in the recipient's fiscal years ending in 2003, 2006, and 2009, and every third year thereafter.

(e) "Financial reporting package" means the nonstate entities' financial statements, Schedule of Expenditures of State Financial

Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on followup of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of this section.

(f) "Federal financial assistance" means financial assistance from federal sources passed through the state and provided to nonstate organizations to carry out a federal program. "Federal financial assistance" includes all types of federal assistance as defined in applicable United States Office of Management and Budget circulars.

(g) "For-profit organization" means any organization or sole proprietor that is not a local governmental entity or a nonprofit organization.

(h) "Independent auditor" means an external state or local governmental auditor or a certified public accountant who meets the independence standards.

(i) "Internal control over state projects" means a process, effected by a nonstate entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations.
2. Reliability of financial operations.
3. Compliance with applicable laws and regulations.

(j) "Local governmental entity" means a county, municipality, or special district or any other entity (other than a district school board, charter school, community college, or public university), however styled, which independently exercises any type of governmental function within the state.

(k) "Major state project" means any state project meeting the criteria as stated in the rules of the *Chief Financial Officer Comptroller*. Such criteria shall be established after consultation with all state awarding agencies and shall consider the amount of state project expenditures and expenses or inherent risks. Each major state project shall be audited in accordance with the requirements of this section.

(l) "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that:

1. Is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest;
2. Is not organized primarily for profit;
3. Uses net proceeds to maintain, improve, or expand the operations of the organization; and
4. Has no part of its income or profit distributable to its members, directors, or officers.

(m) "Nonstate entity" means a local governmental entity, nonprofit organization, or for-profit organization that receives state financial assistance.

(n) "Nonstate organization" means a local governmental entity, nonprofit organization, or for-profit organization that receives state resources.

(o) "Recipient" means a nonstate entity that receives state financial assistance directly from a state awarding agency.

(p) "Schedule of Expenditures of State Financial Assistance" means a document prepared in accordance with the rules of the *Chief Financial Officer Comptroller* and included in each financial reporting package required by this section.

(q) "State awarding agency" means a state agency, as defined in s. 216.011, that provides state financial assistance to a nonstate entity.

(r) "State financial assistance" means state resources, not including federal financial assistance and state matching on federal programs,

provided to a nonstate entity to carry out a state project. "State financial assistance" shall include the types of state resources stated in the rules of the *Chief Financial Officer Comptroller* established in consultation with all state awarding agencies. State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities. State financial assistance does not include procurement contracts used to buy goods or services from vendors and contracts to operate state-owned and contractor-operated facilities.

(s) "State matching" means state resources provided to a nonstate entity to meet federal financial participation matching requirements.

(t) "State program" means a set of special purpose activities undertaken to realize identifiable goals and objectives in order to achieve a state agency's mission and legislative intent requiring accountability for state resources.

(u) "State project" means a state program that provides state financial assistance to a nonstate organization and that must be assigned a state project number identifier in the Catalog of State Financial Assistance.

(v) "State Projects Compliance Supplement" means a document issued by the *Chief Financial Officer Comptroller*, in consultation with all state awarding agencies. The State Projects Compliance Supplement shall identify state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(w) "State project-specific audit" means an audit of one state project performed in accordance with the requirements of subsection (10).

(x) "State single audit" means an audit of a nonstate entity's financial statements and state financial assistance. Such audits shall be conducted in accordance with the auditing standards as stated in the rules of the Auditor General.

(y) "Subrecipient" means a nonstate entity that receives state financial assistance through another nonstate entity.

(z) "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. These goods or services may be for an organization's own use or for the use of beneficiaries of the state project.

(3) The Executive Office of the Governor shall be responsible for notifying the *Chief Financial Officer Comptroller* of any actions during the budgetary process that impact the Catalog of State Financial Assistance.

(4) The *Chief Financial Officer Comptroller* shall:

(a) Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance relating to the requirements of this section, including:

1. The types or classes of state resources considered to be state financial assistance that would be subject to the requirements of this section. This would include guidance to assist in identifying when the state awarding agency or a nonstate entity has contracted with a vendor rather than with a recipient or subrecipient.

2. The criteria for identifying a major state project.

3. The criteria for selecting state projects for audits based on inherent risk.

(b) Be responsible for coordinating revisions to the Catalog of State Financial Assistance after consultation with the Executive Office of the Governor and all state awarding agencies.

(c) Be responsible for coordinating with the Executive Office of the Governor actions affecting the budgetary process under paragraph (b).

(d) Be responsible for coordinating revisions to the State Projects Compliance Supplement, after consultation with the Executive Office of the Governor and all state awarding agencies.

(e) Make enhancements to the state's accounting system to provide for the:

1. Recording of state financial assistance and federal financial assistance appropriations and expenditures within the state awarding agencies' operating funds.

2. Recording of state project number identifiers, as provided in the Catalog of State Financial Assistance, for state financial assistance.

3. Establishment and recording of an identification code for each financial transaction, including state awarding agencies' disbursements of state financial assistance and federal financial assistance, as to the corresponding type or organization that is party to the transaction (e.g., other governmental agencies, nonprofit organizations, and for-profit organizations), and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a nonstate entity.

(f) Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance relating to the format for the Schedule of Expenditures of State Financial Assistance.

(g) Perform any inspections, reviews, investigations, or audits of state financial assistance considered necessary in carrying out the *Chief Financial Officer's* ~~Comptroller's~~ legal responsibilities for state financial assistance or to comply with the requirements of this section.

(5) Each state awarding agency shall:

(a) Provide to each recipient information needed by the recipient to comply with the requirements of this section, including:

1. The audit and accountability requirements for state projects as stated in this section and applicable rules of the *Chief Financial Officer* ~~Comptroller~~ and rules of the Auditor General.

2. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project including objectives, restrictions, and other relevant information determined necessary.

3. Information from the State Projects Compliance Supplement, including the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(b) Require the recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the *Chief Financial Officer* ~~Comptroller~~, and the Auditor General access to the recipient's records and the recipient's independent auditor's working papers as necessary for complying with the requirements of this section.

(c) Notify the recipient that this section does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state awarding agency inspector general, the Auditor General, or any other state official.

(d) Be provided one copy of each financial reporting package prepared in accordance with the requirement of this section.

(e) Review the recipient's financial reporting package, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance that is specific to the state awarding agency.

(f) Designate within the state awarding agency a division, bureau, or other organizational unit that will be responsible for reviewing financial reporting packages pursuant to paragraph (e).

If the state awarding agency is not the coordinating agency as defined in paragraph (2)(d), the state awarding agency's designated division, bureau, or other organizational unit shall communicate to the

coordinating agency the state awarding agency's approval of the recipient's corrective action plan with respect to findings and recommendations that are not specific to the state awarding agency.

(6) Each coordinating agency shall:

(a) Review the recipient's financial reporting package, including the management letter and corrective action plan, to identify audit findings and recommendations that affect state financial assistance that is not specific to a particular state awarding agency.

(b) For any such findings and recommendations determine:

1. Whether timely and appropriate corrective action has been taken.

2. Promptly inform the state awarding agency's contact, as designated pursuant to paragraph (5)(f), of actions taken by the recipient to comply with the approved corrective action plan.

(c) Maintain records of followup actions taken for the use of any succeeding coordinating agency.

(7) As a condition of receiving state financial assistance, each nonstate entity that provides state financial assistance to a subrecipient shall:

(a) Provide to each subrecipient information needed by the subrecipient to comply with the requirements of this section, including:

1. Identification of the state awarding agency.

2. The audit and accountability requirements for state projects as stated in this section and applicable rules of the *Chief Financial Officer* ~~Comptroller~~ and rules of the Auditor General.

3. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.

4. Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.

(b) Review the financial reporting package of the subrecipient, including the management letter and corrective action plan, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance provided by a state awarding agency or nonstate entity.

(c) Perform such other procedures as specified in terms and conditions of the written agreement with the state awarding agency or nonstate entity including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.

(d) Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of the nonstate entity, the state awarding agency, the *Chief Financial Officer* ~~Comptroller~~, and the Auditor General access to the subrecipient's records and the subrecipient's independent auditor's working papers as necessary to comply with the requirements of this section.

(8) Each recipient or subrecipient of state financial assistance shall comply with the following:

(a) Each nonstate entity that meets the audit threshold requirements, in any fiscal year of the nonstate entity, as stated in the rules of the Auditor General, shall have a state single audit conducted for such fiscal year in accordance with the requirements of this act and with additional requirements established in rules of the *Chief Financial Officer* ~~Comptroller~~ and rules of the Auditor General. If only one state project is involved in a nonstate entity's fiscal year, the nonstate entity may elect to have only a state project-specific audit.

(b) Each nonstate entity that does not meet the audit threshold requirements, in any fiscal year of the nonstate entity, as stated in this law or the rules of the Auditor General is exempt for such fiscal year from the state single audit requirements of this section. However, such nonstate entity must meet terms and conditions specified in the written agreement with the state awarding agency or nonstate entity.

(c) Regardless of the amount of state financial assistance, the provisions of this section do not exempt a nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such nonstate entity or allowing access and examination of those records by the state awarding agency, nonstate entity, the *Chief Financial Officer Comptroller*, or the Auditor General.

(d) Audits conducted pursuant to this section shall be performed annually.

(e) Audits conducted pursuant to this section shall be conducted by independent auditors in accordance with auditing standards as stated in rules of the Auditor General.

(f) Upon completion of the audit as required by this section, a copy of the recipient's financial reporting package shall be filed with the state awarding agency and the Auditor General. Upon completion of the audit as required by this section, a copy of the subrecipient's financial reporting package shall be filed with the nonstate entity that provided the state financial assistance and the Auditor General. The financial reporting package shall be filed in accordance with the rules of the Auditor General.

(g) All financial reporting packages prepared pursuant to the requirements of this section shall be available for public inspection.

(h) If an audit conducted pursuant to this section discloses any significant audit findings relating to state financial assistance, including material noncompliance with individual state project compliance requirements or reportable conditions in internal controls of the nonstate entity, the nonstate entity shall submit as part of the financial reporting package to the state awarding agency or nonstate entity a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary.

(i) An audit conducted in accordance with this section is in addition to any audit of federal awards required by the federal Single Audit Act and other federal laws and regulations. To the extent that such federally required audits provide the state awarding agency or nonstate entity with information it requires to carry out its responsibilities under state law or other guidance, the state awarding agency or nonstate entity shall rely upon and use that information.

(j) Unless prohibited by law, the costs of audits pursuant to this section are allowable charges to state projects. However, any charges to state projects should be limited to those incremental costs incurred as a result of the audit requirements of this section in relation to other audit requirements. The nonstate entity should allocate such incremental costs to all state projects for which it expended state financial assistance.

(k) Audit costs may not be charged to state projects when audits required by this section have not been made or have been made but not in accordance with this section. If a nonstate entity fails to have an audit conducted consistent with this section, a state awarding agency or nonstate entity may take appropriate corrective action to enforce compliance.

(l) This section does not prohibit the state awarding agency or nonstate entity from including terms and conditions in the written agreement which require additional assurances that state financial assistance meets the applicable requirements of laws, regulations, and other compliance rules.

(m) A state awarding agency or nonstate entity that conducts or arranges for audits of state financial assistance that are in addition to the audits conducted under this act, including audits of nonstate entities

that do not meet the audit threshold requirements, shall, consistent with other applicable law, arrange for funding the full cost of such additional audits.

(9) The independent auditor when conducting a state single audit of a nonstate entity shall:

(a) Determine whether the nonstate entity's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles.

(b) Determine whether state financial assistance shown on the Schedule of Expenditures of State Financial Assistance is presented fairly in all material respects in relation to the nonstate entity's financial statements taken as a whole.

(c) With respect to internal controls pertaining to each major state project:

1. Obtain an understanding of internal controls;

2. Assess control risk;

3. Perform tests of controls unless the controls are deemed to be ineffective; and

4. Determine whether the nonstate entity has internal controls in place to provide reasonable assurance of compliance with the provisions of laws and rules pertaining to state financial assistance that have a material effect on each major state project.

(d) Determine whether each major state project complied with the provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which have a material effect on each major state project. When major state projects are less than 50 percent of the nonstate entity's total expenditures for all state financial assistance, the auditor shall select and test additional state projects as major state projects as necessary to achieve audit coverage of at least 50 percent of the expenditures for all state financial assistance provided to the nonstate entity. Additional state projects needed to meet the 50-percent requirement may be selected on an inherent risk basis as stated in the rules of the *Chief Financial Officer Comptroller*.

(e) Report on the results of any audit conducted pursuant to this section in accordance with the rules of the *Chief Financial Officer Comptroller* and rules of the Auditor General. Financial reporting packages shall include summaries of the auditor's results regarding the nonstate entity's financial statements; Schedule of Expenditures of State Financial Assistance; internal controls; and compliance with laws, rules, and guidelines.

(f) Issue a management letter as prescribed in the rules of the Auditor General.

(g) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the *Chief Financial Officer Comptroller*, or the Auditor General for review or copying.

(10) The independent auditor, when conducting a state project-specific audit of a nonstate entity, shall:

(a) Determine whether the nonstate entity's Schedule of Expenditures of State Financial Assistance is presented fairly in all material respects in conformity with stated accounting policies.

(b) Obtain an understanding of internal controls and perform tests of internal controls over the state project consistent with the requirements of a major state project.

(c) Determine whether or not the auditee has complied with applicable provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which could have a direct and material effect on the state project.

(d) Report on the results of the state project-specific audit consistent with the requirements of the state single audit and issue a management letter as prescribed in the rules of the Auditor General.

(e) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to the requirements of this section to the state awarding agency, the *Chief Financial Officer Comptroller*, or the Auditor General for review or copying.

(11) The Auditor General shall:

(a) Have the authority to audit state financial assistance provided to any nonstate entity when determined necessary by the Auditor General or when directed by the Legislative Auditing Committee.

(b) Adopt rules that state the auditing standards that independent auditors are to follow for audits of nonstate entities required by this section.

(c) Adopt rules that describe the contents and the filing deadlines for the financial reporting package.

(d) Provide technical advice upon request of the *Chief Financial Officer Comptroller* and state awarding agencies relating to financial reporting and audit responsibilities contained in this section.

(e) Be provided one copy of each financial reporting package prepared in accordance with the requirements of this section.

(f) Perform ongoing reviews of a sample of financial reporting packages filed pursuant to the requirements of this section to determine compliance with the reporting requirements of this section and applicable rules of the *Chief Financial Officer Comptroller* and rules of the Auditor General.

And the title is amended as follows:

On page 5, line 3, after the semicolon,

insert: amending s. 215.195, F.S.; providing responsibilities of the Comptroller, or the Chief Financial Officer effective January 1, 2003, with regard to preparation of the Statewide Cost Allocation Plan and the monitoring of compliance therewith; amending s. 215.97, F.S.; revising and adding definitions relating to the Florida Single Audit Act; revising duties of the Executive Office of the Governor and the Comptroller, or the Chief Financial Officer effective January 1, 2003, relating to the Florida Single Audit Act; providing duties of state agencies; requiring state agencies to review the audit report of state financial award recipients; revising duties of the Auditor General relating to the Florida Single Audit Act; transferring a position from the Executive Office of the Governor to the Comptroller;

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

The question recurred on the passage of HB 1979. The vote was:

Session Vote Sequence: 1092

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1983—A bill to be entitled An act relating to juvenile delinquency programs and records; amending s. 938.19, F.S.; providing for the creation of county juvenile drug courts; providing for assessments for court costs by circuit and county courts to be used for the operation, administration, and programming of teen and juvenile drug courts and providing for distribution of such assessments; amending s. 943.0582, F.S.; requiring a report to the Legislature relating to expunction of certain records; amending s. 984.06, F.S.; authorizing the guardian ad litem of a child in need of services to inspect and copy official records pertaining to the child; amending s. 985.04, F.S.; expanding the circumstances under which certain juvenile records are not considered confidential and exempt solely because of age; authorizing law enforcement agencies to provide said information; amending s. 985.407, F.S.; requiring the Department of Juvenile Justice to adopt a rule regarding changes in policies that impact contracted delinquency services and programs and establishing procedure therefor; providing an effective date.

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

Session Vote Sequence: 1093

Yeas—115

The Chair	Byrd	Greenstein	Machek
Alexander	Cantens	Haridopolos	Mack
Allen	Carassas	Harper	Mahon
Andrews	Clarke	Harrell	Mayfield
Argenziano	Cusack	Harrington	Maygarden
Arza	Davis	Hart	McGriff
Attkisson	Detert	Henriquez	Meadows
Atwater	Diaz-Balart	Heyman	Mealor
Ausley	Dockery	Hogan	Melvin
Baker	Evers	Holloway	Murman
Barreiro	Farkas	Jennings	Needelman
Bean	Fasano	Johnson	Negron
Bendross-Mindingall	Feeney	Jordan	Paul
Bennett	Fields	Joyner	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	Goodlette	Lerner	Russell
Bucher	Gottlieb	Littlefield	Ryan
Bullard	Green	Lynn	Seiler

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

Nays—None

Votes after roll call:

Yeas—Justice, Kallinger

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

CS/HB 1243—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; revising violations and penalties relating to saltwater fisheries; revising grounds and penalties for violation of restrictions imposed upon a saltwater products licensee during the period of license suspension or revocation; creating penalties for purchase or sale of illegally harvested saltwater products taken in violation of s. 16, Art. X of the State Constitution; clarifying that licenses or permits under which a violation is committed may be subject to suspension or revocation; clarifying that persons, firms, or corporations cited for violations are subject to monetary penalties assessed by the commission; amending s. 370.06, F.S.; revising and clarifying requirements for saltwater products licenses and endorsements; clarifying the saltwater products license income exemption for disabled persons; limiting the restricted species endorsement available to such persons; providing that saltwater products received by a wholesale dealer; are presumed to have been purchased; amending s. 370.061, F.S.; revising and clarifying requirements and procedures for confiscation and forfeiture of property used in a saltwater products violation; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending s. 370.07, F.S.; prohibiting purchase or sale of illegally taken saltwater products; providing a penalty; providing that saltwater products received by a retail dealer or restaurant are presumed to have been purchased; correcting a cross reference; reenacting ss. 370.07(5), 370.092(3) and (4), and 370.093(5), F.S., to incorporate the amendment to s. 370.021, F.S., in references; amending s. 370.142, F.S.; correcting cross references; amending s. 372.70, F.S.; providing that the state attorney shall represent the state in prosecutions of violations of hunting and fishing laws; amending s. 372.9901, F.S.; revising procedures for seizure and forfeiture of property used in the illegal taking of deer or wild turkey; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending and renumbering s. 372.31, F.S.; providing for exercise of the police power of the state in cases relating to illegal fishing; creating s. 372.99022, F.S.; providing penalties for molestation of or theft from certain freshwater fishing gear; prohibiting transfer of endorsements under certain circumstances; amending s. 372.9904, F.S.; correcting a cross reference; amending s. 372.9905, F.S.; combining and conforming provisions relating to applicability of seizure and forfeiture requirements; amending s. 323.001, F.S.; correcting a cross reference; repealing ss. 372.311, 372.312, 372.313, 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321, and 372.9902, F.S., relating to forfeiture proceedings, delivery of property to a claimant, proceedings when no claim is filed or a claim is filed, representation of the state by the state attorney, judgments of forfeiture, service charges, disposition of proceeds of forfeiture, exercise of police power, and applicability of certain seizure and forfeiture requirements; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 1243. The vote was:

Session Vote Sequence: 1094

Yeas—115

The Chair	Clarke	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz-Balart	Joyner	Rich
Arza	Dockery	Kallinger	Richardson
Attkisson	Evers	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	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	Murman	Wilson
Cantens	Heyman	Needelman	Wishner
Carassas	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Henriquez, Justice

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

HB 1327 was taken up. On motion by Rep. Garcia, the rules were waived and—

CS for SB 1916—A bill to be entitled An act relating to bail bond agencies and agents; creating s. 648.24, F.S.; declaring public policy; amending s. 648.25, F.S.; defining terms; amending s. 648.27, F.S.; prescribing licensure requirements for managing general agents; creating s. 648.285, F.S.; providing for temporary permits; amending s. 648.29, F.S.; prescribing requirements for build-up accounts; amending ss. 648.30, 648.31, F.S.; eliminating references to runners; amending s. 648.34, F.S.; revising qualifications for bail bond agents; amending s. 648.355, F.S.; revising qualifications for temporary licenses; amending s. 648.36, F.S.; requiring licensees to maintain certain records; amending s. 648.381, F.S.; prescribing additional education requirements for certain persons seeking reexamination; amending ss. 648.382, 648.383, F.S.; eliminating references to runners; requiring an affidavit regarding premiums owed; amending s. 648.384, F.S.; eliminating references to runners; amending s. 648.385, F.S.; removing obsolete provisions; amending s. 648.386, F.S.; increasing certain education requirements; creating s. 648.387, F.S.; providing for the designation of primary bail bond agents; amending s. 648.388, F.S.; prescribing requirements for managing general agents; amending ss. 648.39, 648.41, F.S.; eliminating references to runners; amending s. 648.44, F.S.; prohibiting certain forms of solicitation and advertising; eliminating references to runners; amending s. 648.441, F.S.; eliminating references to runners and establishing a fine for certain violations; amending s. 648.442, F.S.; prescribing requirements relating to collateral security; prescribing requirements for the appointment of certain bail bond appointees who were previously appointed; amending s. 648.4425, F.S.; requiring agents to provide a statement of surrender; amending s. 648.45, F.S.; prohibiting the filing of false reports and other

actions relating to reports; amending s. 648.52, F.S.; increasing an administrative penalty; creating s. 648.525, F.S.; providing for civil administrative proceedings against licensees; amending s. 648.571, F.S.; providing procedures for the return of collateral; authorizing certain fees; providing a penalty; amending ss. 624.501, 624.523, F.S.; eliminating references to runners; repealing s. 648.37, F.S., relating to qualifications of runners; providing severability; providing an effective date.

—was substituted for HB 1327 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Garcia, the rules were waived and CS for SB 1916 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1095

Yeas—116

The Chair	Clarke	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz-Balart	Jordan	Prieguez
Arza	Dockery	Joyner	Rich
Attkisson	Evers	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Ball	Fiorentino	Kottkamp	Rubio
Barreiro	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	Murman	Wilson
Carassas	Heyman	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Justice

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

Messages from the Senate

First Reading by Publication

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 496 and CS for SB 2178 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Mitchell—

SB 496—A bill to be entitled An act relating to educational benefits for dependent children of military personnel who die or incur total and permanent disability while participating in Operation Enduring Freedom; creating s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or

suffer a specified disability in Operation Enduring Freedom; specifying documentation that constitutes proof of eligibility for such benefits; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Comprehensive Planning, Local and Military Affairs and Senator Laurent—

CS for SB 2178—A bill to be entitled An act relating to county emergency medical service assessments; creating s. 125.271, F.S.; defining the term “county” as used in this section; providing for permanent qualification for funding emergency medical services through a special assessment levied as described in this act; providing construction; providing for the ratification and validation of certain special assessments levied before the effective date of this act; providing an effective date.

Referred to the Calendar of the House.

Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Wednesday, March 20. The motion was agreed to.

Votes After Roll Call

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

Rep. Atwater:

Nays to Yeas—March 15: 923

Rep. Brown:

Yeas—March 17: 963

Rep. Bullard:

Yeas to Nays—March 18: 991

Rep. Crow:

Yeas—March 18: 933

Nays—March 18: 939

Nays to Yeas—March 15: 923

Rep. Detert:

Yeas to Nays—March 15: 928

Nays to Yeas—March 15: 923

Rep. Diaz de la Portilla:

Yeas—March 11: 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859; March 12: 862, 864, 866, 868, 869, 870, 871, 872, 873, 874; March 18: 964, 965, 966, 967, 989, 990

Nays—March 11: 839

Rep. Heyman:

Yeas—March 18: 974

Rep. Jennings:

Yeas—March 18: 956

Rep. Kilmer:

Yeas—March 18: 990

Rep. Kosmas:

Yeas—March 18: 953

Rep. Lynn:

Yeas—March 15: 921, 922, 928; March 18: 953, 955, 960, 965, 969, 975, 995, 996

Rep. Mahon:

Nays—March 18: 969

Rep. Mayfield:

Yeas—March 18: 984

Rep. Meadows:

Yeas—March 11: 849, 850; March 12: 871

Rep. Rich:

Yeas—March 15: 927, 928, 929, 930

Rep. Siplin:

Yeas—March 18: 937, 979

Rep. Trovillion:

Yeas—March 18: 998

Disclosure of Interest

Notice is being provided that I am an employee of BellSouth Corporation, whose business may be affected by the passage or defeat of the above referred legislation. None-the-less, I am advised by counsel that I must vote on CS/HB 1683.

*Rep. Wilbert "Tee" Holloway
District 103*

Cosponsors

HB 159—Wilson
 CS/CS/HB 221—Wishner
 CS/CS/HB 223—Gottlieb, Wishner
 CS/CS/HB 295—Lynn
 HB 307—Sobel
 CS/CS/HB 321—Sobel
 CS/HB 367—Bendross-Mindingall
 CS/HB 415—Romeo
 CS/CS/CS/HB 519—Sobel
 HB 525—Romeo, Seiler
 CS/HB 545—Gannon
 HB 565—Bullard, Waters
 CS/HB 625—Gottlieb
 CS/HB 697—Harrington
 HB 703—Argenziano, Brummer, Davis, Fields, Flanagan, Gottlieb, Greenstein, Harrington, Joyner, Kendrick, Kottkamp, Lynn, Romeo, Sorensen, Stansel
 CS/HB 747—Sobel
 CS/CS/HB 871—Sobel
 CS/CS/HB 879—Benson
 HB 881—Lynn
 CS/HB 885—Haridopolos
 CS/HB 899—Sobel, Wishner
 HB 1181—Sobel
 CS/HB 1213—Peterman
 CS/HB 1223—Allen, Flanagan
 CS/HB 1225—Holloway
 HB 1257—Lynn
 HB 1313—Kravitz
 HB 1455—Lerner
 CS/HB 1473—Baker
 CS/CS/HB 1567—Sobel
 HB 1645—Bennett, Detert, Greenstein, Kosmas, Mahon, Murman, Romeo
 HB 1687—Sobel
 HB 1689—Sobel

CS/HB 1819—Sobel

CS/HB 1839—Sobel

HR 9097—Wishner

Introduction and Reference

By the Committee on House Redistricting; Representative Ball—

HJR 2029—A joint resolution of apportionment; providing for the apportionment of the Florida House of Representatives (plan H406H004); adopting the United States Decennial Census of 2000 for use in such apportionment; providing for omitted areas; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions; providing for application beginning in 2002.

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

Referred to the Calendar of the House.

By the Committee on Senate Redistricting; Representative Kyle—

HJR 2031—A joint resolution of apportionment; providing for the apportionment of the Florida Senate (plan H407S002); adopting the United States Decennial Census of 2000 for use in such apportionment; providing for omitted areas; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions; providing for application beginning in 2002.

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

Referred to the Calendar of the House.

By Representatives Green, Goodlette, Simmons, Rubio, Ross, Maygarden, Paul, Kilmer, Negron, Alexander, Murman, Brummer, Needelman, Bowen, Littlefield, Fiorentino, Kottkamp, Mayfield, Fasano, Ball, Byrd, Russell, Harrell, Harrington, Atwater, Farkas, Gibson, Clarke, Bilirakis, Bense, Hart, Argenziano, Detert, Stansel, Kendrick, Hogan, Benson, Allen, Lynn, Waters, Richardson, Spratt, Bennett, Ryan, Sobel, Ritter, Rich, Lerner, Romeo, Cusack, Crow, Sorensen, Garcia, Cantens, Mahon, Gardiner, Trovillion, Melvin, and Mack—

HR 9101—A resolution recognizing the importance of legislation providing oral anticancer drugs to elderly citizens.

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

By Representative Gannon—

HR 9103—A resolution honoring Bobbie Booker Phillips.

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

By Representative Ausley—

HR 9105—A resolution of gratitude to the residents of the City of Tallahassee and Leon County.

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

By Representative Kendrick—

HR 9107—A resolution recognizing the veterans of the amphibious training center at Camp Gordon Johnston.

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

By Representatives Hogan, Kravitz, Davis, Bean, Mahon, Jordan, Fields, Wiles, Pickens, and Lee—

HR 9109—A resolution paying tribute to the memory of Sgt. Bradley Crose.

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

By Representatives Hogan and Crow—

HR 9111—A resolution extending condolences to the family of Spc. Marc A. Anderson.

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

By Representative Cusack—

HR 9113—

A resolution recognizing March 2002 as Colorectal Cancer Awareness Month.

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

Reports of Councils and Standing Committees

Committee Reports

Received March 19:

The Committee on Judicial Oversight recommends the following not pass:
HB 379

The above bill was laid on the table under the rule.

Communications

The Honorable Tom Feeney
Speaker of the House

March 19, 2002

Dear Mr. Speaker:

In compliance with Article III, Section 19(d) of the Constitution, copies of the House amendment to Senate amendment on HB 1943

relating to appropriations have been furnished to each member of the Legislature, the Governor, each member of the Cabinet and the Supreme Court.

Delivery was completed March 19, 2002 at 8:06 a.m., EST.

Respectfully submitted,
John B. Phelps
Clerk of the House

The Honorable John M. McKay
President, The Florida Senate

March 19, 2002

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of Senate Amendment 1 to HB 1943, have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed March 19, 2002 at 8:15 a.m., EST.

Respectfully submitted,
Faye W. Blanton
Secretary of the Senate

Excused

Rep. Baxley after 12:00 p.m.; Rep. Justice

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:58 p.m., to reconvene at 10:00 a.m., Wednesday, March 20.

**Pages and Messengers
for the week of
March 18-22**

PAGES—Ben Attkisson, Kissimmee; Christina H. Barrow, Punta Gorda; Storm A. Blitz, Dunedin; Anna Block, Tequesta; David Alden Bondy, Orlando; Robert Evan Bouchlas, Lake Worth; Christen M. Castriota, New Port Richey; T. Alex Castriota, New Port Richey; Reid A. Conner, Tampa; Christopher A. Cotterell, Tallahassee; John H. Dyer III, Orlando; Benjamin B. Fowler, Groveland; Jeremy C. Fowler, Groveland; Linda Z. Gonzalez, Hialeah; Amanda Hill, Mount Dora; Joseph Leuchter, Coral Springs; Cori Melton, Lakeland; Jill B. Mendelsohn, Hollywood; Michelia Robinson, Tallahassee; Brent E. Rushing, Winter Park; Amanda Strange, Ocala; Thomas Twomey, Tallahassee.

MESSENGERS—Maxie Balthrop, Tallahassee; Caitlin Barry, Tallahassee; Anna Berlanga, Boca Raton; Sarah Block, Tequesta; Shane Brashear, Palm Bay; Akeem Brutus, Miami; Laura Chaney, Avon Park; Tyshondra Comer, Brandon; Elisa Epstein, Weston; Sarah Alexandra Fowler, Groveland; Matt Gossard, Coral Springs; Daniel M. Hanff, New Port Richey; Kathryn Hice, Miami; Ashley E. Leland, Lantana; Robin Lerner, Miami; Andrew Parmet, Pompano Beach; Anthony Rezzonico, North Palm Beach; Peter Justin Rossi, New Port Richey; Kyle Rushing, Winter Park; Claire Sanders, St. George Island; Hannah Smith, O'Brien; Danielle J. Sutter, Tavernier; Michael B. Twomey, Jr., Tallahassee.