



The Journal OF THE House of Representatives

Number 26

Friday, April 23, 2004

The House was called to order by the Speaker pro tempore at 12:19 p.m.

Prayer

The following prayer was offered by Pastor Ronald L. Meade of Lakewood Church of Crestview, upon invitation of Rep. Brown:

Our Gracious God of infinite love and mercy, how thankful we are for the privilege of living in America, the land of the free, for our great state of Florida, for its beautiful beaches and sandy soil.

Today, Lord, we especially remember our soldiers: brave men and women who are putting their all on the line to defend the principles of our democracy. Be with them, we pray, and guide them with Your presence. Prepare a table before them in the presence of the enemy.

We pray for the members of the House of Representatives who undertake to find solutions to difficult problems. We ask that they should be given wisdom to govern and special strength for their bodies.

For Your blessing upon our land, Lord, we give You thanks. Amen.

The following members were recorded present:

Session Vote Sequence: 874

Rep. Harrington in the Chair.

Adams	Bogdanoff	Domino	Hasner
Allen	Bowen	Evers	Henriquez
Altman	Brandenburg	Farkas	Holloway
Ambler	Brown	Fields	Homan
Anderson	Brummer	Fiorentino	Jennings
Antone	Brutus	Galvano	Jordan
Arza	Bucher	Gannon	Joyner
Attkisson	Bullard	Garcia	Justice
Ausley	Byrd	Gelber	Kallinger
Baker	Cantens	Gibson, A.	Kendrick
Barreiro	Carroll	Gibson, H.	Kilmer
Baxley	Clarke	Goodlette	Kosmas
Bean	Cretul	Gottlieb	Kottkamp
Bendross-Mindingall	Culp	Green	Kravitz
Bense	Davis, D.	Greenstein	Littlefield
Benson	Davis, M.	Harper	Machek
Berfield	Dean	Harrell	Mahon
Bilirakis	Detert	Harrington	Mayfield

McInvale	Planas	Roberson	Sorensen
Meadows	Poppell	Ross	Spratt
Mealor	Prieguez	Russell	Stansel
Murman	Quinones	Ryan	Stargel
Murzin	Reagan	Sansom	Sullivan
Needelman	Rich	Seiler	Troutman
Negron	Richardson	Simmons	Vana
Patterson	Ritter	Slosberg	Wiles
Peterman	Rivera	Smith	Wishner
Pickens	Robaina	Sobel	Zapata

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

A quorum was present.

THE SPEAKER IN THE CHAIR

Motion

On motion by Rep. Rivera, the rules were waived and the privilege of the floor was granted to the Prime Minister of the Autonomous Republic of Adjara, Ambassador Badri Meladze.

Pledge

The members, led by the following, pledged allegiance to the Flag: Locklyn Diane Tucker of Crawfordville at the invitation of the Speaker; Matt Walker of Okeechobee at the invitation of Rep. Wiles; Jacob C. Williams of White Springs at the invitation of Rep. Kendrick; and Max Moody of Tallahassee at the invitation of Rep. Cantens.

House Physician

The Speaker introduced Dr. Edward J. Shahady of Tallahassee, who served in the Clinic today upon invitation of Rep. Richardson.

Correction of the *Journal*

The *Journal* of April 20 was further corrected as follows: On page 601, column 1, lines 10-11 from the top, delete all of said lines.

The *Journal* of April 22 was corrected and approved as corrected.

Messages from the Senate

Consideration of **SJR 2506** was temporarily postponed under Rule 11.10.

Reports of Standing Committees

Report of the Subcommittee on Rules

The Honorable Johnnie Byrd
Speaker, House of Representatives

April 21, 2004

Dear Mr. Speaker:

Your Subcommittee on Rules herewith submits Special Orders for Friday, April 23, 2004. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

I. Consideration of the following bill(s):

HJR 1947 - Procedures, Pickens
Initiative Petitions; Filing and Regulation; General Election

HJR 1949 - Procedures, Pickens
Supermajority to Amend State Constitution by Initiative

HJR 1951 - Procedures, Pickens
Limiting Subject Matter of Initiative Proposals

HJR 1979 - Procedures, Pickens
Limitations on Amendments Costing in Excess of One Dollar Per Resident Annually Based Upon the Most Recent Decennial Census

HB 313 CS - Sullivan, Zapata
Scholarship Program Accountability

HB 23 CS - Sansom, Ambler & others
Property Tax Exemptions

HB 51 - Brown
Insurance

HB 195 CS - Russell, Fiorentino
Instructional Materials for K-12 Public Education

HB 585 CS - Benson
Florida Building Code

HB 599 CS - Culp, Brown & others
Dealing in Stolen Property

HB 639 CS - Fields
Insurance Guaranty Associations

HB 747 CS - Culp, Goodlette & others
Retrofitting of Common Areas of Condominiums and Cooperatives with Fire Sprinkler Systems

HB 849 CS - Brummer
Wekiva Study Area and the Wekiva Parkway

HB 1087 CS - Green, Harrell
Radiologists Performing Mammograms

HB 1127 CS - Harrington, Bullard & others
Preserving Florida's History

HB 1241 CS - Berfield, Holloway
Workers' Compensation

HB 1251 CS - Berfield, Holloway
Joint Underwriting Plan of Insurers

HB 1281 - Smith
Public Records County and Municipal Attorneys

HB 1361 CS - Needelman, Ambler
Property Taxes

HB 1737 - Transportation, Russell
Public Records

HB 1753 - Education K-20, Kilmer
Public School Food Service Programs

HB 1977 - Public Safety & Crime Prevention, Barreiro
Human Trafficking

HB 733 CS - Vana
Loxahatchee Groves Water Control District, Palm Beach County

HB 749 CS - Fields, Carroll
City of Jacksonville, Duval County

HB 817 CS - Spratt
Spring Lake Improvement District, Highlands County

HB 823 CS - Stargel
Lakeland Downtown Development Authority

HB 831 CS - Mayfield
Indian River County School Board

HB 833 - Mayfield
Indian River County School Board

HB 835 - Mayfield
Indian River County

HB 1091 - Russell
City of Weeki Wachee, Hernando County

HB 1449 CS - Harrington
DeSoto County Hospital District

HB 1453 CS - Gibson, H.
North Sumter County Hospital District

HB 1491 CS - Gottlieb
Broward County

HB 1625 CS - Davis, M., Rivera
Ave Maria Stewardship Community District, Collier County

HB 1645 - Sansom
Holley-Navarre Fire District, Santa Rosa County

HB 1647 CS - Davis, D.
Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County

HB 1649 CS - Davis, D.
Jacksonville Port Authority, Consolidated City of Jacksonville, Duval County

HB 1677 - Brown
Panama City-Bay County Airport and Industrial District, and Independent Special District in Bay County

HB 1709 - Gottlieb
Coral Springs Improvement District, Broward County

HB 87 CS - Kravitz, Antone & others
Sexual Offenders **(IF RECEIVED)**

HB 191 CS - Brummer, Brandenburg & others
Retirement **(IF RECEIVED)**

HB 469 - Evers, Allen & others
Documentary Stamp Tax on Promissory or Nonnegotiable Notes and Written Obligations to Pay Money **(IF RECEIVED)**

HB 1363 CS - Benson, Bullard & others
Commercial Relations **(IF RECEIVED)**

HB 267 CS - Murman
Health Care Facilities **(IF RECEIVED)**

HB 723 CS - Murman
Foster Care Services **(IF RECEIVED)**

HB 887 CS - Murman, Murzin
Services for the Elderly **(IF RECEIVED)**

HB 1823 CS - Future of Florida's Families, Murman
Developmental Services and Mental Health **(IF RECEIVED)**

HB 1913 - Education K-20, Kilmer, Arza
Charter Schools **(IF RECEIVED)**

HB 1223 CS - Robaina, Antone & others
Condominium Associations **(IF RECEIVED)**

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,
Sandra L. Murman
Co-Chair
Subcommittee on Rules

Dennis A. Ross
Co-Chair
Subcommittee on Rules

On motion by Rep. Meadows, the rules were waived and the above report was adopted.

Local Bill Calendar Floor Procedure

THIRD READING CALENDAR

Without objection, a single roll call on all bills will be taken at the conclusion of the third reading of the local bills.

Because a "no" vote would be cast against every bill on the local roll call, anyone wishing to vote against a specific bill or bills should do so by filing a Nay Vote - Local Bill form (H-48) with the Clerk. Those forms may be obtained at the Clerk's desk.

SPECIAL ORDER CALENDAR

Without objection, a single roll call vote on all bills will be taken at the conclusion of the reading of local bills.

Because a "no" vote would be cast against every bill on the local roll call, anyone wishing to vote against a specific bill or bills should do so by filing a Nay Vote - Local Bills form (H-48) with the Clerk.

Without separate motions to waive the rules (which is presumed agreed to), each local bill will be read twice by title and the Chair will announce "Pass the bill on the motion of (bill sponsor)." If a House bill has a committee substitute, the original title will be read once followed by two readings of the title or CS title.

FOR BOTH CALENDARS

1. Members should:

a. Determine the location of their bill on the Local Third Reading or Special Order Calendar so prompt response may be made when the Chair inquires who is moving the bill.

b. Determine whether there may be a bill that they wish to have temporarily postponed.

2. The Chair will take up each bill as it appears on the Local Third Reading or Special Order Calendar. Bill numbers will not appear on either the Lawmaker System or the vote display boards since House action will move too quickly for numbers to be useful.

3. Floor amendments to a local bill must be accompanied by a local bill amendment form signed by the delegation chair explaining the necessity for the amendment. Any bill without a properly filed amendment accompanied by the aforementioned form offered on the floor will be dropped from the list, and the amendment and the bill will return to the Calendar.

4. Senate bills will automatically be substituted for House bills, if available and on the same reading. In such cases, House bills will not be read.

ADOPTION

The above procedure will be adopted by a waiver of the rules.

On motion by Rep. Sorensen the rules were waived and the above procedure was adopted.

Bills and Joint Resolutions on Third Reading

Bills Available for Passage Pursuant to Rule 10.11

HB 373—A bill to be entitled An act relating to water policy; amending s. 373.069, F.S.; revising boundaries of the Southwest Florida Water Management District and the South Florida Water Management District; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the Southwest Florida Water Management District to the South Florida Water Management District; requiring the Southwest Florida Water Management District to take final agency action with respect to certain permit applications received prior to a date certain; amending s. 373.073, F.S.; removing Highlands County from the Southwest Florida Water Management District's governing board; providing an effective date.

The requirements of Rule 10.11 having been met, the question recurred on the passage of HB 373. The vote was:

Session Vote Sequence: 875

Speaker Byrd in the Chair.

Yeas—109

Adams	Cretul	Homan	Rich
Altman	Culp	Jennings	Richardson
Ambler	Davis, D.	Jordan	Ritter
Anderson	Davis, M.	Joyner	Robaina
Antone	Dean	Justice	Roberson
Arza	Detert	Kallinger	Ross
Attkisson	Domino	Kendrick	Rubio
Ausley	Evers	Kilmer	Russell
Baker	Farkas	Kosmas	Ryan
Barreiro	Fields	Kottkamp	Sansom
Baxley	Fiorentino	Kravitz	Seiler
Bean	Galvano	Littlefield	Simmons
Bense	Gannon	Machek	Slosberg
Benson	Garcia	Mahon	Smith
Berfield	Gardiner	Mayfield	Sobel
Bilirakis	Gelber	McInvale	Sorensen
Bogdanoff	Gibson, A.	Meadows	Spratt
Bowen	Gibson, H.	Mealor	Stansel
Brandenburg	Goodlette	Murman	Stargel
Brown	Gottlieb	Murzin	Sullivan
Brummer	Green	Needelman	Vana
Brutus	Greenstein	Negron	Waters
Bucher	Harper	Patterson	Wiles
Bullard	Harrell	Peterman	Wishner
Byrd	Harrington	Pickens	Zapata
Cantens	Hasner	Poppell	
Carroll	Henriquez	Prieguez	
Clarke	Holloway	Quinones	

Nays—None

Votes after roll call:

Yeas—Allen, Bendross-Mindingall, Johnson, Llorente, Planas, Reagan, Troutman

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

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

Special Orders

HB 313 was taken up. On motion by Rep. Goodlette, CS for CS for SB 2882 was substituted for HB 313. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2882—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program to extend the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health

departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the

scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree, 3 years of teaching experience at a public or private school, or other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the independent private research organization selected by the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to select an independent private research organization for reporting of student scores; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding identification of documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and identification of

independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

—was read the second time by title.

Representative Sobel offered the following:

(Amendment Bar Code: 097693)

Amendment 1 (with title amendment)—On page 45, line 9, remove: all of said line

and insert:

qualifies them to provide instruction in subjects taught. All teachers employed by private schools that receive scholarship funds shall be state -certified within 5 years after such employment. As

On page 7, line 23, remove: all of said line

and insert:

instruction; requiring teachers employed by private schools that receive scholarship funds to be state-certified within 5 years after such employment; requiring a private school to

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

Representative Sobel offered the following:

(Amendment Bar Code: 920827)

Amendment 2—On page 48, line 25, remove: all of said line

and insert:

or subsequent versions of these tests. Additionally, the Department of Education shall require that all students who receive money from eligible nonprofit scholarship-funding organizations take the Florida Comprehensive Assessment Test. A participating private

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

Representative Henriquez offered the following:

(Amendment Bar Code: 897583)

Amendment 3—On page 48, line(s) 28, After the period, insert:

Aggregated test scores from private schools participating in the scholarship program must be publicly disclosed when there are 10 or more scholarship students per grade as specified in the Family Educational Rights and Privacy Act. Aggregated test scores shall not be made available to the public until scholarship students have completed 1 full year in the private school.

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

Representative Sobel offered the following:

(Amendment Bar Code: 691935)

Amendment 4 (with title amendment)—On page 49, between lines 18 and 19, insert:

All private schools that receive scholarship funds shall achieve accreditation through a nationally recognized accreditation association within 5 years after the date scholarship funds are received and maintain the accreditation as long as scholarship funds are received.

On page 8, line(s) 22, remove: all of said line

and insert:

in existence; requiring private schools that receive scholarship funds to achieve accreditation through a nationally recognized accreditation association within 5 years after the date scholarship funds are received and to maintain such accreditation; requiring the Department of

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

Representative McInvale offered the following:

(Amendment Bar Code: 557745)

Amendment 5 (with title)—On page 54, between line(s) 2 and 3, insert:

Section 5. Section 220.1875, Florida Statutes, is created to read:

220.1875 Credits for contributions by public education partners.--

(1) PURPOSE.--The purpose of this section is to:

(a) Encourage private, voluntary contributions to public schools to enhance educational opportunities for students.

(b) Encourage the formation of partnerships between corporations and public schools.

(c) Enable public school students to achieve a greater level of excellence in their education through contributions by public education partners.

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

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer to a public school, subject to the restrictions provided in this section. The taxpayer making the contribution may designate a specific public school or a specific program in a public school as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single public school.

(3) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section and s. 220.187 is \$88 million, with an equal share granted under each section. However, at least 1; percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(4) REQUIREMENTS.--

(a) A public school that receives an eligible contribution must spend 100 percent of the eligible contribution for the purpose specified by the contributor. All interest accrued from an eligible contribution must be used for the purpose specified by the contributor.

(b) A public school that receives an eligible contribution must maintain a separate account for the eligible contribution and must annually provide to the district school board and the Department of Education a financial accounting of the use of the contribution. A public school shall budget wisely and use sound financial practices in the use of an eligible contribution.

(c) Payment of an eligible contribution shall be made to a public school through the district school board.

(d) An eligible contribution shall not replace, but shall be supplemental to, funds provided by the state to public school districts pursuant to chapter 1011.

(5) ADMINISTRATION; RULES.--

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward

credits as required in paragraph (b) in the year that the taxpayer intends to use the carryforward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the administration of this section, including rules establishing application forms and procedures and rules governing the allocation of tax credits and carryforward credits under this section.

(c) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the distribution and use of contributions.

(d) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section.

On page 10, line(s) 7, After the semicolon, insert:

creating s. 220.1875, F.S.; providing purpose to encourage contributions by corporations to public schools or public school programs for which tax credit shall be given; providing definitions; providing authorization to grant tax credits and limitations on credits; providing public school requirements for expenditure and accounting of funds; requiring eligible contributions to be supplemental funds; providing for administration and rulemaking; requiring a cooperative agreement;

Motion

Rep. McInvale moved that Rule 12.9 be waived and Amendment 5 be allowed for consideration, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 876

Speaker Byrd in the Chair.

Yeas—38

Table with 4 columns of names: Antone, Ausley, Bendross-Mindingall, Brandenburg, Brutus, Bucher, Bullard, Fields, Gannon, Gelber, Gibson, A., Gottlieb, Greenstein, Harper, Henriquez, Holloway, Jennings, Joyner, Justice, Kendrick, Kosmas, Machek, McInvale, Meadows, Peterman, Prieguez, Rich, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Waters, Wiles

Nays—72

Table with 4 columns of names: Adams, Allen, Altman, Ambler, Anderson, Arza, Attkisson, Baker, Barreiro, Baxley, Bean, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brown, Byrd, Cantens, Carroll, Clarke, Cretul, Culp, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Fiorentino, Galvano, Garcia, Gardiner, Gibson, H., Goodlette, Green, Harrell, Hasner, Homan, Johnson, Jordan, Kallinger, Kilmer, Kottkamp, Kravitz, Kyle, Littlefield, Llorente, Mahon, Mayfield, Meador, Murman, Murzin, Needelman, Negron, Pickens, Planas, Poppell, Quinones, Reagan, Robaina, Ross, Rubio, Russell, Sansom, Sorensen, Spratt, Stargel, Sullivan, Zapata

Votes after roll call:

Yeas—Patterson, Sobel, Troutman, Wishner
Nays—Brummer, Harrington, Simmons

Representatives Goodlette and Kilmer offered the following:

(Amendment Bar Code: 308089)

Amendment 6 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (4), paragraph (b) of subsection (3), paragraph (f) of subsection (5), and paragraphs (e) and (f) of subsection (6) of section 1002.39, Florida Statutes, are amended, paragraphs (g) through (k) are added to subsection (3), paragraph (g) is added to subsection (6), subsection (8) is renumbered as subsection (9) and amended, and a new subsection (8) is added to said section, to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.--There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.--The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are documented as having mental retardation; a mentally handicapped, speech or and language impairment; a impaired, deaf or hard of hearing impairment, including deafness; a visual impairment, including blindness; a visually impaired; dual sensory impairment; a physical impairment; a serious emotional disturbance, including an emotional handicap; a impaired, physically impaired, emotionally handicapped; specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; disabled, hospitalized or homebound; or autism autistic.

(2) SCHOLARSHIP ELIGIBILITY.--

(a) The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

1. (a) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a Florida public school. Prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12.

2. (b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment. The parental notification must be through a communication directly to the district or through the Department of Education to the district in a manner that creates a written or electronic record of the notification and the date of receipt of the notification.

This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school, or graduates from high school, or reaches the age of 22, whichever occurs first. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(b) A student is not eligible to receive a scholarship under this section if he or she:

- 1. Receives a scholarship from an eligible nonprofit scholarship-funding organization under s. 220.187;
2. Receives an opportunity scholarship under s. 1002.38;
3. Participates in a home education program as defined in s. 1002.01(1);
4. Receives instruction from a correspondence school, participates in distance learning courses, or participates in a private tutoring program;
5. Does not have regular and direct contact with his or her private school

teachers at the school's physical location; or

6. Is enrolled in a school operating for the purpose of providing educational services to youth in commitment programs of the Department of Juvenile Justice.

Notwithstanding the prohibition set forth in subparagraph 4., a student who receives a John M. McKay Scholarship may participate in a course offered by a correspondence school, a distance learning course, or a private tutoring program the tuition and other costs of which are not paid by scholarship funds provided under this section.

(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION OBLIGATIONS.--

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the Department of Education of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the scholarship program.

b. A school district may change a matrix of services only if the change is to:

(I) Correct a technical, typographical, or calculation error; or

(II) Align the matrix of services with the student's individual education plan completed by the public school district for use in the public school prior to the student enrolling in or attending a private school.

3. The Department of Education shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

4. Within 10 school days after it receives notification of a parent's intent to apply for a John M. McKay Scholarship, a district school board must notify the student's parent if the matrix has not been completed and provide the parent with the date for completion of the matrix required in this paragraph.

(g) The Department of Education shall establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.

(h) The Department of Education shall establish a process by which individuals may notify the department of any violation by a private school of state laws relating to program participation. The department shall conduct an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education or other state agency has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant.

(i) The Department of Education shall require an annual notarized sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(j) The Department of Education shall regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(k) A school district shall provide notification to parents of the availability of a reassessment of each student who receives a John M. McKay Scholarship at least every 3 years.

(4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, as defined in s. 1002.01(2), may be sectarian or nonsectarian, and must:

(a) ~~Demonstrate fiscal soundness by being in operation for 3 school years or obtain 4 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to may be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should~~

~~such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.~~

(b) Notify the Department of Education of its intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.

2. Building codes.

(e) Be academically accountable to the parent for meeting the educational needs of the student by providing to the parent a written explanation of the student's progress.

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of private schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).

2. Retention of records required in s. 1002.42(3).

3. Attendance records and reports required in s. 1003.23(2).

4. School-entry health examinations and immunizations required in s. 1003.22.

5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(h) Publish and adhere to the tenets of its adopted ~~published~~ disciplinary procedures prior to the expulsion of a scholarship student.

(i) Within 60 days after employment, for any individual with direct student contact with John M. McKay Scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. An "individual with direct student contact" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of John M. McKay Scholarship students;

2. Is the owner or operator of the private school; or

3. Has unsupervised access to a John M. McKay Scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check shall be reported to the Department of Education. The owner or operator of the private school shall immediately report to the Department of Education any individual with direct student contact with John M. McKay Scholarship students who has been convicted of a crime that bears upon the individual's fitness to have responsibility for the safety and well-being of children. Employment of such an individual shall cause a private school to be ineligible for participation in the program. An individual holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(j) Annually comply with the requirements of the Department of Education to submit a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (3). The form and timeline for submission of the compliance statement shall be specified in rules adopted by the State Board of Education.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Not operate as a home education program as defined in ss. 1002.01 and 1002.41, a private tutoring program as described in s. 1002.43, a correspondence school, or a distance learning school.

(m) Maintain a physical private school location in this state where a scholarship student regularly attends classes consistent with s. 1003.01(13)(b) or s. 1003.01(13)(c). However, this paragraph does not preclude a private school from offering services through a satellite-based service network that

implements portions of the education or training of a John M. McKay Scholarship student as directed by a professional trained in special education. Such a school must meet all requirements relating to private schools and all other requirements in this section and shall:

1. Make no payments to the parent of the child for services, equipment, instruction, or instructional materials.

2. Employ and direct payment to qualified specialists who can meet the needs of the child as identified in the educational plan developed for the child.

3. Have a physical location for processing services and providing oversight of the child's educational progress.

4. Monitor and supervise work done by the parent and the specialists to follow the educational plan developed for the child.

(n) Require the parent of each scholarship student to personally restrictively endorse the scholarship check to the school. The school may not:

1. Act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents, or under any other authority, to endorse scholarship warrants on behalf of parents.

2. Send or direct John M. McKay Scholarship funds to parents of a scholarship student who is home schooled pursuant to s. 1002.41.

3. Accept a John M. McKay Scholarship student until the notarized sworn compliance statement has been completed and has been submitted to and verified by the Department of Education.

(o) Annually register with the Department of Education. Each owner or administrator of a private school must provide the following information:

1. The legal business and trade name, mailing address, and business location of the private school.

2. The full name, address, and telephone number of each owner or administrator of the private school.

3. A notification of the private school's intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(p) Provide the Department of Education with all documentation required for each scholarship student's participation in the scholarship program, including, but not limited to:

1. The private school's fee schedule, including, but not limited to, fees for services, tuition, and instructional materials, and each individual scholarship student's schedule of fees and charges, at least 30 days before the first quarterly scholarship payment is made for the student.

2. The enrollment and attendance information, including an on-line attendance verification form, for each scholarship student at the private school, prior to each scholarship payment.

(q) Notify the Department of Education of any change in the school's registered name or location prior to any such change and notify the Department of Education within 15 days after any other change in the registration information submitted to the department.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(5) OBLIGATION OF PROGRAM PARTICIPANTS.--

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. A private school may not act as attorney in fact pursuant to paragraph (4)(n).

(6) SCHOLARSHIP FUNDING AND PAYMENT.--

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the Department of Education shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. When a student enters the scholarship program, the Department of Education must receive all documentation required for the student's participation, including, but not limited to, the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The Department of Education may not make any retroactive payments.

(f) Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make scholarship payments in

four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) Subsequent to each scholarship payment, the Department of Financial Services shall randomly review endorsed warrants to confirm compliance with endorsement requirements.

(8) COMMISSIONER AUTHORITY.--The Commissioner of Education may suspend or prohibit a private school or a student from participation in the scholarship program and take other action necessary to ensure compliance with the provisions of this section.

(9)(8) RULES.--The State Board of Education shall may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules for:

(a) Administering the annual notarized sworn compliance statement to all participating private schools. The rules related to the annual notarized sworn compliance statement shall establish a deadline for the receipt of the initial sworn and notarized compliance statement from the private school and shall enumerate the items to be included in the statement. The rules shall enumerate the items to be included in a subsequent annual notarized sworn compliance statement that is required in January of each year from the private school.

(b) Establishing forms for changes to a matrix by a school district and the Department of Education.

(c) Implementing the requirement that a private school timely notify the Department of Education of material changes to the school's registration information.

(d) Establishing attendance-verification procedures and forms.

(e) Establishing procedures for determining student eligibility and approving scholarships.

However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 2. Section 220.187, Florida Statutes, is amended to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.--

(1) PURPOSE.--The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

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

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single eligible nonprofit scholarship-funding organization.

~~(c)(4)~~ "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, that is a Florida entity formed under chapter 607, chapter 608, or chapter 617 and whose principal office is located in the state, and that complies with the provisions of subsection (4).

~~(d)(e)~~ "Eligible private ~~nonpublic~~ school" means a private nonpublic school, as defined in s. 1002.01(2), located in Florida that offers an education to students in any grades K-12 and that meets the requirements in subsection (6) (5). An eligible private school:

1. Must maintain a physical location in this state where each scholarship student regularly attends classes.

2. May not be a correspondence school or distance learning school.

3. May not direct or provide scholarship funds to a parent of a scholarship student who receives instruction under the program at home.

4. May not be a home education program as defined in s. 1002.01(1).

5. May not be a private tutoring program as described in s. 1002.43.

(e) "Owner or operator" includes:

1. An owner, president, officer, or director of an eligible nonprofit scholarship-funding organization or a person with equivalent decisionmaking authority over an eligible nonprofit scholarship-funding organization.

2. An owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(f)(~~e~~) "Qualified student" means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or

3. Is eligible to enter kindergarten or first grade.

A student is not eligible to receive a scholarship under this section if the student is participating in the Opportunity Scholarship Program under s. 1002.38, the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39, or a home education program as defined in s. 1002.01(1). A student is not eligible to receive a scholarship from more than one eligible nonprofit scholarship-funding organization at the same time.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section is \$88 million. However, at least 1 percent of the total statewide amount authorized for tax credits shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(d) A taxpayer may rescind all or part of its allocated tax credit under this section. The amount of the rescindment shall become available for purposes of the cap for that state fiscal year under this section to an eligible taxpayer as approved by the department if the taxpayer receives notice from the department that the rescindment has been accepted by the department and the taxpayer has not previously rescinded any or all of its tax credit allocation under this section more than once in the previous 3 tax years. Any amount rescinded under this paragraph shall become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-funding organization participating in the scholarship program established in this section shall have the following obligations:

(a) An eligible nonprofit scholarship-funding organization shall provide corporate tax credit scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible private nonpublic school. At least 75 percent of each the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) An eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39. In addition, an eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving a corporate income tax credit scholarship from another eligible nonprofit scholarship-funding organization.

(d)(~~e~~) The amount of a scholarship provided to any child for any single school year by an eligible nonprofit scholarship-funding organization shall not exceed the following annual limits:

1. Three thousand five hundred dollars for a scholarship awarded to a student enrolled in an eligible private nonpublic school.

2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

(e)(~~d~~) The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible private nonpublic schools have been identified.

(f)(~~e~~) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must obligate spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(g) An eligible nonprofit scholarship-funding organization must maintain separate accounts for scholarship funds and operating funds.

(h) An eligible nonprofit scholarship-funding organization may transfer funds to another eligible nonprofit scholarship-funding organization when additional funds are required to meet scholarship demand. The scholarship-funding organization transferring funds must request approval for the transfer from the Department of Education and provide documentation to support the transfer, including a listing of the scholarships to be funded from the transfer. The Department of Education shall verify the listing of students to receive scholarships from the transfer. No funds may be transferred unless matching eligible scholarship recipients can be identified by the scholarship-funding organization receiving the transfer.

(i)(~~f~~) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General and the Department of Education an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The audit must be conducted in compliance with generally accepted auditing standards and must include a report on financial statements presented in accordance with Generally Accepted Accounting Principles set forth by the American Institute of Certified Public Accountants for not-for-profit organizations and a determination of compliance with the statutory eligibility and expenditure requirements set forth in this section. Audits must be provided to the Auditor General and the Department of Education within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year.

(j)(~~g~~) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school prior to each scholarship payment. Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis. Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible private nonpublic school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the private nonpublic school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the private nonpublic school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the private nonpublic school of the parent's choice for deposit into the account of the

private ~~nonpublic~~ school.

(k) An eligible nonprofit scholarship-funding organization must prepare and submit quarterly reports to the Department of Education pursuant to subsection (7). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

(l) An eligible nonprofit scholarship-funding organization must verify the income of all applicants participating in the scholarship program each year with independent income documentation.

(m) An owner or operator of an eligible nonprofit scholarship-funding organization must, within 5 days after assuming ownership or decisionmaking authority, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. The costs of fingerprinting and the background check shall not be borne by the state.

2. The results of a criminal background check shall be reported to the owner or operator of the eligible nonprofit scholarship-funding organization and to the Department of Education.

3. A nonprofit scholarship-funding organization whose owner or operator has been convicted of a crime involving moral turpitude or a crime that bears upon the fitness of the owner or operator to have responsibility for the safety and well-being of children shall not be eligible to provide scholarships under this section.

(n) A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation in which he or she owned more than 20 percent of the corporation shall not be eligible to provide scholarships under this section.

(o) An owner or operator of an eligible nonprofit scholarship-funding organization is prohibited from owning or operating an eligible private school that is participating in the scholarship program.

(p) An eligible nonprofit scholarship-funding organization shall report to the Department of Education any private school that is not in compliance with the requirements of the scholarship program. The eligible nonprofit scholarship-funding organization shall not provide additional scholarship funds to a parent for a student to attend the private school until a determination is made by the Commissioner of Education that the school is in compliance with the requirements of the scholarship program.

(q) An eligible nonprofit scholarship-funding organization must comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(r) An eligible nonprofit scholarship-funding organization shall allow a qualified student to attend any eligible private school and shall allow a parent to transfer a scholarship during a school year to any other eligible private school of the parent's choice.

(s) An eligible nonprofit scholarship-funding organization must provide a scholarship to a qualified student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (b). An eligible nonprofit scholarship-funding organization may not target scholarships to a particular private school or provide scholarships to a child of an owner or operator.

(t) An eligible nonprofit scholarship-funding organization may obtain a secured line of credit to fund scholarship payments based on estimated contributions to be received within a 6-month period. These funds may only be used to provide scholarship payments. Interest and fees related to the line of credit shall be paid from the scholarship-funding organization's operating budget and not from contributions or loan proceeds.

(5) ~~PARENT~~ OBLIGATIONS OF PARENTS AND STUDENTS.--

(a) As a condition for scholarship payment pursuant to paragraph (4)(j)(e), if the parent chooses for his or her child to attend an eligible private ~~nonpublic~~ school, the parent must inform the child's school district within 15 days after such decision.

(b) Upon receipt of a scholarship warrant or check from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant or check is made must restrictively endorse the warrant or check to the private school for deposit into the account of the private school. A private school may not act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents or under any other authority allowing endorsement of scholarship warrants on behalf of parents. If a parent refuses to restrictively endorse a warrant to which a private school is entitled, that student's scholarship shall be forfeited immediately.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year unless excused by the school for illness or other good cause and must comply fully with the school's code of conduct.

(d) The parent of a student participating in the scholarship program must comply fully with the private school's parental involvement requirements unless excused by the school for illness or other good cause.

(e) The parent of a student participating in the scholarship program must ensure that the student participates in the nationally norm-referenced testing required by this section. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement.

(f) A participant in the scholarship program who fails to comply with this subsection forfeits the scholarship.

(6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL OBLIGATIONS.--An eligible private ~~nonpublic~~ school must:

(a) Demonstrate fiscal soundness by being in operation for 3 school years or obtain one school year or provide the Department of Education with a statement by a certified public accountant confirming that the ~~nonpublic~~ school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to ~~may~~ be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.

(b) Notify the Department of Education of its intent to participate in the scholarship program. The notice must specify the grade levels that the private school has available for students participating in the scholarship program.

(c) ~~(b)~~ Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) ~~(e)~~ Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.
2. Building codes.

(e) ~~(d)~~ Comply with all state laws relating to general regulation of private ~~nonpublic~~ schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).
2. Retention of records required in s. 1002.42(3).
3. Attendance records and reports required in s. 1003.23(2).
4. School-entry health examinations and immunizations required in s. 1003.22.
5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Annually administer or make provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the Department of Education. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education pursuant to subsection (7).

(h) Within 60 days after employment, for any individual with direct student contact with corporate tax credit scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. An "individual with direct student contact" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of corporate tax credit scholarship students;
2. Is the owner or operator of the private school; or
3. Has unsupervised access to a corporate tax credit scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check shall be reported to the

Department of Education. The owner or operator of the private school shall immediately report to the Department of Education any individual with direct student contact with corporate tax credit scholarship students who has been convicted of a crime that bears upon the individual's fitness to have responsibility for the safety and well-being of children. Employment of such an individual shall cause a private school to be ineligible for participation in the scholarship program. An individual holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(i) Annually comply with the requirements of the Department of Education to complete a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (7).

(j) Notify the Department of Education and the eligible nonprofit scholarship-funding organization if any participating student is receiving a warrant or check from more than one eligible nonprofit scholarship-funding organization.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Publish and report, as part of the annual database survey form and notarized statement of compliance required pursuant to s. 1002.42(2), to the Department of Education and distribute to the scholarship applicants:

1. Whether the private school is accredited by an in-state or regional accrediting association that is validated by a third-party accreditor at the state or national level which has been in existence at least 3 years.

2. The name of the accrediting association that accredits the private school.

3. Whether the private school is in the process of receiving candidate status.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(7) DEPARTMENT OF EDUCATION, COMMISSIONER OF EDUCATION, AND STATE BOARD OF EDUCATION OBLIGATIONS; RESPONSIBILITIES.--

(a) The Department of Education shall:

1. Annually submit to the Department of Revenue, by March 15, a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

2. Verify the eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

3. Verify the eligibility of private schools that meet the requirements of paragraph (2)(d).

4. Verify the eligibility of expenditures as provided in subsection (4).

5. Establish a toll-free hotline that provides parents, private schools, and nonprofit scholarship-funding organizations with information on participation in the scholarship program.

6. Establish a process by which individuals may notify the Department of Education of any violation by a private school or nonprofit scholarship-funding organization of state laws relating to scholarship program participation. The department shall conduct an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education or other state agency has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant.

7. Require annual completion of a notarized sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

8. Identify all nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT).

9. Select an independent private research organization to which participating private schools must report the scores of participating students on the nationally norm-referenced tests administered by the private school. The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent private research organization must analyze and report student performance data in a manner that protects the

rights of students and parents as mandated in 20 U.S.C. s. 1232g and must not disaggregate data to a level that will disclose the academic level of individuals or of individual schools. To the extent possible, the independent private research organization must accumulate historical performance data on students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies. To minimize costs and reduce time required for third-party analysis and evaluation, the Department of Education shall conduct analyses of matched students from public school assessment data and calculate control group learning gains using an agreed upon methodology outlined in the contract with the third-party evaluator. The sharing of student data must be in accordance with the Family Educational Rights and Privacy Act requirements and shall be for the sole purpose of conducting the evaluation. All parties must preserve the confidentiality of such information.

10. Provide a private school profile on-line for those private schools participating in the scholarship program.

11. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39.

12. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving a corporate income tax credit scholarship from another eligible nonprofit scholarship-funding organization.

13. Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools at which the students are enrolled, and other information deemed necessary by the Department of Education.

14. Regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(b) The Commissioner of Education is authorized to suspend or prohibit an eligible nonprofit scholarship-funding organization from participation in the scholarship program and to take other action necessary to ensure compliance with the provisions of this section.

(c) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection, including rules to determine the eligibility of nonprofit scholarship-funding organizations and to identify qualified students.

(8)(7) ADMINISTRATION; RULES.--

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. ~~The total amount of tax credits and carryforward of tax credits granted each state fiscal year under this section is \$88 million.~~ This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. ~~The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(e), and eligibility of expenditures under this section as provided in subsection (4).~~

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

(e) The State Board ~~Department~~ of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including, but not limited to, rules:

1. Determining ~~necessary to determine~~ eligibility of nonprofit scholarship-

funding organizations and private schools.

~~2. Identifying as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify qualified students as defined in paragraph (2)(e).~~

~~3. Identifying the documentation required to establish eligibility for nonprofit scholarship-funding organizations.~~

~~4. Requiring an annual notarized sworn statement of compliance for private schools that participate in the scholarship program.~~

~~5. Identifying the independent income-verification documentation required to establish student eligibility under this section.~~

~~(f) Subsequent to each scholarship payment, the Department of Financial Services shall randomly review endorsed warrants to confirm compliance with endorsement requirements.~~

~~(g) The State Board of Education may delegate its authority under this section to the Commissioner of Education with the exception of rulemaking authority.~~

~~(9)(8) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 17.57(2).~~

Section 3. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising definition of the term "students with disabilities"; restricting eligibility to receive a John M. McKay Scholarship; revising and adding school district and Department of Education obligations; providing for department investigation of private school violations; revising requirements for private school fiscal soundness; revising eligibility requirements for private schools, including compliance with specified laws and requirements of the department and maintenance of a physical location in the state, with an exception; requiring fingerprinting and criminal background checks; requiring annual completion of a notarized sworn compliance statement; prohibiting certain types of educational programs; prohibiting power of attorney for endorsing scholarship checks; requiring annual registration with the department; revising provisions relating to scholarship payment; providing for Department of Financial Services obligations; providing Commissioner of Education authority to suspend or prohibit program participation; requiring the adoption of specified rules; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising definition of the terms "eligible nonprofit scholarship-funding organization" and "qualified student"; defining the terms "eligible private school" and "owner or operator"; reducing small business tax credit reservation; providing for rescindment of tax credit allocation; revising obligations of eligible nonprofit scholarship-funding organizations; authorizing scholarships for certain transportation expenses; providing restrictions on provision of a scholarship; providing for obligation of eligible contributions; requiring a separate account for scholarship funds; authorizing transfer of funds between scholarship-funding organizations; specifying audit requirements; requiring quarterly scholarship payments and reports; requiring income verification; requiring fingerprinting and criminal background checks; providing restrictions on scholarship-funding organization ownership or operation; providing for reporting of noncompliant private schools; providing for a line of credit to fund scholarship payments; providing parent and student obligations; prohibiting power of attorney for endorsing scholarship checks; revising requirements for private school fiscal soundness; providing additional private school obligations, including compliance with specified laws, employment of qualified teachers, and provision of student testing; requiring fingerprinting and criminal background checks; requiring annual completion of a notarized sworn compliance statement; providing Department of Education and Commissioner of Education obligations and responsibilities, including verification of eligibility of program participants, investigation of violations, selection of a research organization to analyze student performance data, and authority to suspend or prohibit participation in the scholarship program; requiring adoption of specified rules; providing for Department of Financial Services obligations; providing an effective date.

Rep. Goodlette moved the adoption of the amendment.

Representative Gelber offered the following:

(Amendment Bar Code: 057325)

Amendment 1 to Amendment 6 (with title amendment)—Between line(s) 958 and 959, insert:

Section 3. No school shall receive more than 50 percent of its revenue from school vouchers, including corporate tax credit scholarships, opportunity scholarships, and John M. McKay Scholarships.

Remove line(s) 1023 and insert:

Financial Services obligations; restricting the percentage of revenue a school may receive from school vouchers; providing an effective

Rep. Gelber moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 6** was withdrawn.

The question recurred on the adoption of **Amendment 6**, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

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

Bills and Joint Resolutions on Third Reading

HB 1629—A bill to be entitled An act relating to affordable health care; providing a popular name; providing purpose; amending s. 381.026, F.S.; requiring certain licensed facilities to provide public Internet access to certain financial information; providing a definition; amending s. 381.734, F.S.; including participation by health care providers, small businesses, and health insurers in the Healthy Communities, Healthy People Program; requiring the Department of Health to provide public Internet access to certain public health programs; requiring the department to monitor and assess the effectiveness of such programs; requiring a report; requiring the Office of Program Policy and Government Accountability to evaluate the effectiveness of such programs; requiring a report; amending s. 395.1041, F.S.; authorizing hospitals to develop certain emergency room diversion programs; amending s. 395.1055, F.S.; requiring licensed facilities to make certain patient charge and performance outcome data available on Internet websites; amending s. 395.1065, F.S.; authorizing the Agency for Health Care Administration to charge a fine for failure to provide such information; amending s. 395.301, F.S.; requiring certain licensed facilities to provide prospective patients certain estimates of charges for services; requiring such facilities to provide patients with certain bill verification information; providing for a fine for failure to provide such information; providing charge limitations; requiring such facilities to establish a patient question review and response methodology; providing requirements; requiring certain licensed facilities to provide public Internet access to certain financial information; requiring posting of a notice of the availability of such information; amending s. 408.061, F.S.; requiring the Agency for Health Care Administration to require health care facilities, health care providers, and health insurers to submit certain information; providing requirements; requiring the agency to adopt certain risk and severity adjustment methodologies; requiring the agency to adopt certain rules; requiring certain information to be certified; amending s. 408.062, F.S.; requiring the agency to conduct certain health care costs and access research, analyses, and studies; expanding the scope of such studies to include collection of pharmacy retail price data, use of emergency departments, physician information, and Internet patient charge information availability; requiring a report; requiring the agency to conduct additional data-based studies and make recommendations to the Legislature; requiring the agency to develop and implement a strategy to adopt and use electronic health records; authorizing the agency to develop rules to protect electronic records confidentiality; requiring a report to the Governor and Legislature; amending s. 408.05, F.S.; requiring the agency to develop a plan to make performance outcome and financial data available to consumers for health care services comparison purposes; requiring submittal of the plan to the

Governor and Legislature; requiring the agency to update the plan; requiring the agency to make the plan available electronically; providing plan requirements; amending s. 409.9066, F.S.; requiring the agency to provide certain information relating to the Medicare prescription discount program; amending s. 408.7056, F.S.; renaming the Statewide Provider and Subscriber Assistance Program as the Subscriber Assistance Program; revising provisions to conform; expanding certain records availability provisions; revising membership provisions relating to a subscriber grievance hearing panel; revising a list of grievances the panel may consider; providing hearing procedures; amending s. 641.3154, F.S., to conform to the renaming of the Subscriber Assistance Program; amending s. 641.511, F.S., to conform to the renaming of the Subscriber Assistance Program; adopting and incorporating by reference the Employee Retirement Income Security Act of 1974, as implemented by federal regulations; amending s. 641.58, F.S., to conform to the renaming of the Subscriber Assistance Program; amending s. 408.909, F.S.; expanding a definition of "health flex plan entity" to include public-private partnerships; making a pilot health flex plan program apply permanently statewide; providing additional program requirements; creating s. 381.0271, F.S.; providing definitions; creating the Florida Patient Safety Corporation; authorizing the corporation to create additional not-for-profit corporate subsidiaries for certain purposes; specifying application of public records and public meetings requirements; exempting the corporation and subsidiaries from public procurement provisions; providing purposes; providing for a board of directors; providing for membership; authorizing the corporation to establish certain advisory committees; providing for organization of the corporation; providing for meetings; providing powers and duties of the corporation; requiring the corporation to collect, analyze, and evaluate patient safety data and related information; requiring the corporation to establish a reporting system to identify and report near misses relating to patient safety; requiring the corporation to work with state agencies to develop electronic health records; providing for an active library of evidence-based medicine and patient safety practices; requiring the corporation to develop and recommend core competencies in patient safety and public education programs; requiring an annual report; providing report requirements; authorizing the corporation to seek funding and apply for grants; requiring the Office of Program Policy Analysis and Government Accountability, the Department of Health, and the Agency for Health Care Administration to develop performance standards to evaluate the corporation; amending s. 409.91255, F.S.; expanding assistance to certain health centers to include community emergency room diversion programs and urgent care services; amending s. 627.410, F.S.; requiring insurers to file certain rates with the Office of Insurance Regulation; creating s. 627.64872, F.S.; providing legislative intent; creating the Florida Health Insurance Plan for certain purposes; providing definitions; providing exclusions; providing requirements for operation of the plan; providing for a board of directors; providing for appointment of members; providing for terms; specifying service without compensation; providing for travel and per diem expenses; requiring a plan of operation; providing requirements; providing for powers of the plan; requiring reports to the Governor and Legislature; providing for an actuarial study; providing certain immunity from liability for plan obligations; authorizing the board to provide for indemnification of certain costs; requiring an annually audited financial statement; providing for eligibility for coverage under the plan; providing criteria, requirements, and limitations; specifying certain activity as an unfair trade practice; providing for a plan administrator; providing criteria; providing requirements; providing term limits for the plan administrator; providing duties; providing for paying the administrator; providing for premium rates for plan coverage; providing rate limitations; providing for sources of additional revenue; specifying benefits under the plan; providing criteria, requirements, and limitations; providing for nonduplication of benefits; providing for annual and maximum lifetime benefits; providing for tax exempt status; providing for abolition of the Florida Comprehensive Health Association upon implementation of the plan; providing for continued operation of the Florida Comprehensive Health Association until adoption of a plan of operation for the Florida Health Insurance Plan; providing for enrollment in the plan of persons enrolled in the association; requiring insurers to pay certain assessments to the board for certain purposes; providing criteria, requirements, and limitations for such assessments; providing for repeal of ss. 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, and 627.6498, F.S., relating to the Florida Comprehensive Health Association, upon implementation of the plan;

amending s. 627.662, F.S.; providing for application of certain claim payment methodologies to certain types of insurance; providing for certain actions relating to inappropriate utilization of emergency care; amending s. 627.6699, F.S.; revising provisions requiring small employer carriers to offer certain health benefit plans; preserving a right to open enrollment for certain small groups; requiring small employer carriers to file and provide coverage under certain high deductible plans; including high deductible plans and health reimbursement arrangements under certain required plan provisions; creating the Small Employers Access Program; providing legislative intent; providing definitions; providing participation eligibility requirements and criteria; requiring the Office of Insurance Regulation to administer the program by selecting an insurer through competitive bidding; providing requirements; specifying insurer qualifications; providing duties of the insurer; providing a contract term; providing insurer reporting requirements; providing application requirements; providing for benefits under the program; requiring the office to annually report to the Governor and Legislature; creating ss. 627.6405 and 641.31097, F.S.; providing for decreasing inappropriate use of emergency care; providing legislative findings and intent; requiring health maintenance organizations and providers to provide certain information electronically and develop community emergency department diversion programs; authorizing health maintenance organizations to require higher copayments for certain uses of emergency departments; amending s. 627.9175, F.S.; requiring certain health insurers to annually report certain coverage information to the office; providing requirements; deleting certain reporting requirements; retitling ch. 636, F.S.; designating ss. 636.002-636.067, F.S., as pt. I of ch. 636, F.S.; providing a part title; amending s. 636.003, F.S.; revising the definition of "prepaid limited health service organization" to exclude discount medical plan organizations; creating pt. II of ch. 636, F.S., consisting of ss. 636.202-636.244, F.S.; providing a part title; providing definitions; providing for regulation and operation of discount medical plan organizations; requiring corporate licensure before doing business as a discount medical plan; specifying application requirements; requiring license fees; providing for expiration and renewal of licenses; requiring such organizations to establish an Internet website; requiring publication of certain information on the website; specifying collection and deposit of the licensing fee; authorizing the office to examine or investigate the business affairs of such organizations; requiring examinations and investigations; authorizing the office to order production of documents and take statements; requiring organizations to pay certain expenses; specifying grounds for denial or revocation under certain circumstances; authorizing discount medical plan organizations to charge certain fees under certain circumstances; providing reimbursement requirements; prohibiting certain activities; requiring certain disclosures to prospective members; requiring provider agreements to provide services under a medical discount plan; providing agreement requirements; requiring forms and rates to be filed with the office; requiring annual reports to be filed with the office; providing requirements; providing for fines and administrative sanctions for failing to file annual reports; establishing minimum capital requirements; providing for suspension or revocation of licenses under certain circumstances; providing for suspension of enrollment of new members under certain circumstances; providing terms of suspensions; requiring notice of any change of an organization's name; requiring discount medical plan organizations to maintain provider names listings; specifying marketing requirements of discount medical plans; providing limitations; specifying fee disclosure requirements for bundling discount medical plans with other insurance products; authorizing the commission to adopt rules; applying insurer service of process requirements on discount medical plan organizations; requiring a security deposit; prohibiting levy on certain deposit assets or securities under certain circumstances; providing criminal penalties; authorizing the office to seek certain injunctive relief under certain circumstances; providing limitations; providing for civil actions for damages for certain violations; providing for awards of court costs and attorney fees; specifying application of unauthorized insurer provisions of law to unlicensed discount medical plan organizations; creating ss. 627.65626 and 627.6402, F.S.; providing for insurance rebates for healthy lifestyles; providing for rebate of certain premiums for participation in health wellness, maintenance, or improvement programs under certain circumstances; providing requirements; amending s. 641.31, F.S.; authorizing health maintenance organizations offering certain point-of-service riders to offer such riders to certain employers for certain employees; providing requirements and limitations; providing for application of certain claim payment methodologies

to certain types of insurance; providing for rebate of certain premiums for participation in health wellness, maintenance, or improvement programs under certain circumstances; providing requirements; creating s. 626.593, F.S.; providing fee and commission limitations for health insurance agents; requiring a written contract for compensation; providing contract requirements; requiring a rebate of commission under certain circumstances; amending ss. 626.191 and 626.201, F.S.; clarifying certain application requirements; preserving certain rights to enrollment in certain health benefit coverage programs for certain groups under certain circumstances; creating s. 465.0244, F.S.; requiring each pharmacy to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice of the availability of such information; amending s. 627.6499, F.S.; requiring each health insurer to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice in policies of the availability of such information; amending s. 641.54, F.S.; requiring health maintenance organizations to make certain insurance financial information available to subscribers; requiring health maintenance organizations to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice in policies of the availability of such information; repealing s. 408.02, F.S., relating to the development, endorsement, implementation, and evaluation of patient management practice parameters by the Agency for Health Care Administration; providing appropriations; providing effective dates.

—was read the third time by title.

Representatives McInvale, Gannon, Kosmas, Rich, Vana, Sobel, Bendross-Mindingall, Joyner, Cusack, Bucher, Ritter, Brandenburg, Ausley, A. Gibson, and Wiles offered the following:

(Amendment Bar Code: 882385)

Amendment 4 (with title amendments)—Remove line 1245, and insert: enrollees, or may take any combination of those actions, except that the provisions of this subsection shall not apply to coverage for breast cancer and related services pursuant to ss. 627.6612, 627.66121, 627.66122, and 627.6613. A

Between lines 81 and 82, insert: providing an exception;

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

Representatives Antone and Roberson offered the following:

(Amendment Bar Code: 955935)

Amendment 5 (with title amendment)—Remove line 1245 and insert: enrollees, or may take any combination of those actions, except that the provisions of this subsection shall not apply to coverage for diabetes treatment pursuant to s. 627.65745, and annual testing for prostate cancer.

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

Session Vote Sequence: 877

Speaker Byrd in the Chair.

Yeas—39

Antone	Bucher	Gelber	Henriquez
Ausley	Bullard	Gibson, A.	Holloway
Bendross-Mindingall	Dean	Gottlieb	Jennings
Brandenburg	Fields	Greenstein	Joyner
Brutus	Gannon	Harper	Justice

Kendrick	Peterman	Ryan	Stansel
Kosmas	Rich	Seiler	Vana
Machek	Richardson	Slosberg	Wiles
McInvale	Ritter	Smith	Wishner
Meadows	Roberson	Sobel	

Nays—73

Adams	Carroll	Johnson	Quinones
Allen	Clarke	Jordan	Reagan
Altman	Culp	Kallinger	Rivera
Ambler	Davis, D.	Kilmer	Robaina
Anderson	Davis, M.	Kottkamp	Ross
Arza	Domino	Kravitz	Rubio
Attkisson	Evers	Kyle	Russell
Baker	Farkas	Littlefield	Sansom
Bean	Fiorentino	Llorente	Simmons
Bense	Galvano	Mahon	Sorensen
Benson	Garcia	Mayfield	Spratt
Berfield	Gardiner	Mealor	Stargel
Bilirakis	Gibson, H.	Murman	Sullivan
Bogdanoff	Goodlette	Murzin	Troutman
Bowen	Green	Needelman	Waters
Brown	Harrell	Negron	Zapata
Brummer	Harrington	Pickens	
Byrd	Hasner	Planas	
Cantens	Homan	Poppell	

Votes after roll call:

Yeas—Baxley

The question recurred on the passage of HB 1629. The vote was:

Session Vote Sequence: 878

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Jennings	Quinones
Allen	Culp	Johnson	Reagan
Altman	Davis, D.	Jordan	Rich
Ambler	Davis, M.	Joyner	Richardson
Anderson	Dean	Justice	Ritter
Antone	Detert	Kallinger	Rivera
Arza	Domino	Kendrick	Robaina
Attkisson	Evers	Kilmer	Roberson
Ausley	Farkas	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gelber	Mayfield	Slosberg
Berfield	Gibson, A.	McInvale	Smith
Bilirakis	Gibson, H.	Meadows	Sobel
Bogdanoff	Goodlette	Mealor	Sorensen
Bowen	Gottlieb	Murman	Spratt
Brandenburg	Green	Murzin	Stansel
Brown	Greenstein	Needelman	Stargel
Brummer	Harper	Negron	Sullivan
Bucher	Harrell	Patterson	Troutman
Bullard	Harrington	Peterman	Vana
Byrd	Hasner	Pickens	Waters
Cantens	Henriquez	Planas	Wiles
Carroll	Holloway	Poppell	Wishner
Clarke	Homan	Prieguez	Zapata

Nays—None

Votes after roll call:
Yeas—Brutus

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

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

Special Orders

HJR 1947 was taken up. On motion by Rep. Pickens, the rules were waived and SJR 2394 was substituted for HJR 1947. Under Rule 5.13, the House joint resolution was laid on the table.

SJR 2394—A joint resolution proposing amendments to Section 10 of Article IV and Section 5 of Article XI of the State Constitution; revising the deadline for filing a constitutional amendment proposed by initiative with the Secretary of State for purposes of placing the proposed amendment on the general election ballot; revising the timeframe for the Supreme Court to render an advisory opinion on the validity of an initiative petition.

—was read the second time by title.

Representative Joyner offered the following:

(Amendment Bar Code: 451611)

Amendment 1 (with ballot statement and title amendments)—On page 2, line(s) 22,
remove: all of said line

and insert: general election is held. No provision of law may limit the validity of petition signatures to less than three years.

On page 3, line(s) 21,
remove: all of said line

and insert: general election, to provide that no provision of law may limit the validity period of petition signatures to less than 3 years, and to require the Florida Supreme Court to

On page 1, line(s) 9,
remove: all of said line

and insert: ballot; prohibiting reduction of the validity period for petition signatures below a specified threshold; revising the timeframe for the Supreme

Rep. Joyner moved the adoption of the amendment.

Rep. Joyner moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **SJR 2394**, with pending amendment, was temporarily postponed under Rule 11.10.

HJR 1949 was taken up. On motion by Rep. Pickens, CS for SJR 2392 was substituted for HJR 1949. Under Rule 5.13, the House joint resolution was laid on the table.

CS for SJR 2392—A joint resolution proposing an amendment to Section 5 of Article XI and creating Section 26 of Article XII of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least a three-fifths vote of the electors of the state voting on the measure; providing for the requirement to apply only to amendments or revisions filed with the Secretary of State after a specified date.

—was read the second time by title.

Representative Pickens offered the following:

(Amendment Bar Code: 066217)

Amendment 1 (with ballot statement and title amendments)—On page 1, line 15, through page 2, line 30,
remove: all of said lines

and insert:

That the following amendment to Section 5 of Article XI 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 XI AMENDMENTS

SECTION 5. Amendment or revision election.--

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(c) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d) If the proposed amendment or revision is approved by vote of at least three-fifths of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

On page 3, line(s) 5-10,
remove: all of said lines

and insert:

APPROVAL OF CONSTITUTIONAL AMENDMENTS OR REVISIONS.--Proposing an amendment to the State Constitution to require that a proposed constitutional amendment or revision be

On page 1, line(s) 3-11,
remove: all of said lines

and insert:

Section 5 of Article XI of the State Constitution to require that a proposed amendment to or revision of the State Constitution be approved by at least a three-fifths vote of the electors of the state voting on the measure.

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

Representative Ryan offered the following:

(Amendment Bar Code: 609983)

Amendment 2 (with title amendment)—Remove everything after the resolving clause and insert:

That the amendments to Sections 3 and 5 of Article XI 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 2004:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.--

(a) The power to propose the revision or amendment of any portion or portions of this constitution or to propose legislation by initiative is reserved to the people, provided that, any such revision or amendment or legislation, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. Each amendment or revision of any portion or portions of this constitution must also:

(1) Seek to alter, amend, or repeal an existing article of or amendment to this constitution;

(2) Address a basic right of a citizen of this state; or

(3) Change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

(b) The power to propose the revision or amendment of this constitution by initiative may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(c) The power to propose legislation by initiative may be invoked by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 5. Amendment or revision election.--

(a) A proposed amendment to or revision of this constitution, or any part of it, or any legislation proposed by initiative shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment or legislation proposed by initiative pursuant to section 3.

(c) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision or the proposed legislation, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d) If the proposed amendment or revision or the proposed legislation is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state or as part of the Florida Statutes on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision or legislation.

(e) Legislation approved by the voters under this section may not be amended or repealed by the legislature or vetoed by the governor for one year after it goes into effect.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PROPOSAL OF LEGISLATION BY INITIATIVE; LIMITATION ON
TYPES OF CONSTITUTIONAL AMENDMENTS BY INITIATIVE

Proposes amendments to Sections 3 and 5 of Article XI of the State Constitution to provide a right of the people to propose legislation by initiative; provides for invoking such power by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one-half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen; provides for submission of such proposal to the electors at the next general election held

more than 90 days after the initiative petition proposing it is filed with the custodian of state records; requires a financial impact statement; requires publication in the tenth and sixth weeks immediately preceding the week in which the election is held; provides for taking effect on the first Tuesday after the first Monday in January following the election or on such other date as may be specified therein; and prohibits the Legislature from amending or repealing and the Governor from vetoing it for 1 year after it goes into effect. Also provides that a constitutional amendment or revision proposed by citizen initiative must alter, amend, or repeal an existing article or amendment to the State Constitution; address a basic right of a citizen of this state; or change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

Remove the entire title and insert:

Senate Joint Resolution No. 2392

A joint resolution proposing amendments to Sections 3 and 5 of Article XI of the State Constitution to provide the people the right to propose legislation by initiative and to limit the type of amendment or revision of the constitution which may be proposed by citizen initiative.

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

Representative Ritter offered the following:

(Amendment Bar Code: 924663)

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

That the amendments to Sections 3 and 5 of Article XI 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 2004:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.--

(a) The power to propose the revision or amendment of any portion or portions of this constitution or to propose legislation by initiative is reserved to the people, provided that, any such revision or amendment or legislation, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.

(b) The power to propose the revision or amendment of this constitution by initiative may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(c) The power to propose legislation by initiative may be invoked by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 5. Amendment or revision election.--

(a) A proposed amendment to or revision of this constitution, or any part of it, or any legislation proposed by initiative shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment or legislation proposed by initiative pursuant to section 3.

(c) Once in the tenth week, and once in the sixth week immediately

preceding the week in which the election is held, the proposed amendment or revision or the proposed legislation, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d) If the proposed amendment or revision or the proposed legislation is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state or as part of the Florida Statutes on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision or legislation.

(e) Legislation approved by the voters under this section may not be amended or repealed by the legislature unless three-fourths of the membership of each house votes for such amendment or repeal.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PROPOSAL OF LEGISLATION BY INITIATIVE

Proposes amendments to Sections 3 and 5 of Article XI of the State Constitution to provide a right of the people to propose legislation by initiative; provides for invoking such power by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one-half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen; provides for submission of such proposal to the electors at the next general election held more than ninety days after the initiative petition proposing it is filed with the custodian of state records; requires a financial impact statement; requires publication in the tenth and sixth weeks immediately preceding the week in which the election is held; provides for taking effect on the first Tuesday after the first Monday in January following the election or on such other date as may be specified therein; and prohibits the Legislature from amending or repealing it except by a vote of three-fourths of the membership of each house.

Remove the entire title and insert:

Senate Joint Resolution No. 2392

A joint resolution proposing amendments to Sections 3 and 5 of Article XI of the State Constitution to provide the people the right to propose legislation by initiative.

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

Session Vote Sequence: 879

Speaker Byrd in the Chair.

Yeas—37

Antone	Gibson, A.	Kosmas	Seiler
Ausley	Gottlieb	Machek	Slosberg
Bendross-Mindingall	Greenstein	McInvale	Smith
Brandenburg	Harper	Meadows	Sobel
Brutus	Henriquez	Peterman	Vana
Bucher	Holloway	Rich	Wiles
Bullard	Jennings	Richardson	Wishner
Fields	Joyner	Ritter	
Gannon	Justice	Roberson	
Gelber	Kendrick	Ryan	

Nays—77

Adams	Barreiro	Brown	Davis, D.
Allen	Baxley	Brummer	Davis, M.
Altman	Bean	Byrd	Dean
Ambler	Bense	Cantens	Detert
Anderson	Berfield	Carroll	Domino
Arza	Bilirakis	Clarke	Evers
Attkisson	Bogdanoff	Cretul	Farkas
Baker	Bowen	Culp	Fiorentino

Galvano	Kottkamp	Pickens	Simmons
Garcia	Kravitz	Planas	Sorensen
Gibson, H.	Littlefield	Poppell	Spratt
Goodlette	Llorente	Prieguez	Stansel
Green	Mahon	Quinones	Stargel
Harrell	Mayfield	Reagan	Sullivan
Harrington	Mealor	Rivera	Troutman
Hasner	Murman	Robaina	Waters
Homan	Murzin	Ross	Zapata
Jordan	Needelman	Rubio	
Kallinger	Negron	Russell	
Kilmer	Patterson	Sansom	

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

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

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SJR 2506, as amended, by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Lee—

SJR 2506—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

—was read the first time by title. On motion by Rep. Negron, the rules were waived and the joint resolution was read the second time by title.

Representative Negron offered the following:

(Amendment Bar Code: 041565)

Amendment 1—On page 1, line(s) 28, remove: (3/5)

Consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

Representative Negron offered the following:

(Amendment Bar Code: 912513)

Amendment 2 (with title amendment)—Remove everything after the resolving clause and insert:

That the amendments to Section 19 of Article III and Section 1 of Article VII 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 2004:

ARTICLE III
LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.--

(a) ANNUAL BUDGETING.

~~(1) Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds available.

(3) Each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range fiscal plan adopted by the joint legislative budget commission.

(4) For purposes of this section ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS REVIEW PROCESS.

(1) No later than August 15 of each year, the joint legislative budget commission shall issue, as prescribed by general law or joint rule, a long-range plan setting out fiscal goals and objectives for the state and its departments and agencies. The long-range fiscal plan must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission may request consensus estimating conferences to develop official estimates.

(2) In consultation with the governor, the joint legislative budget commission shall issue instructions to the departments and agencies for developing legislative budget requests. Each year, no later than September 15 or such other date as may be established by the joint legislative budget commission, each department and agency shall submit a legislative budget request for the ensuing fiscal year to the legislature and to the governor. The legislative budget request must be consistent, as prescribed by general law or joint rule, with the long-range fiscal plan. The legislative budget request shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law.

(3) The joint legislative budget commission shall hold public hearings and seek public input, as prescribed by joint rule, in order to allow each department and agency to provide an independent assessment of the needs reflected in its current budget request. In addition, the commission shall review the performance measures proposed by the departments and agencies in order to ensure that necessary information is available to assist the legislature in making policy and budget decisions.

(4) At least forty days before the convening of each regular session of the legislature, or such other date as may be established by the joint legislative budget commission, the governor shall provide a recommended budget and supporting legislation, balanced within revenue estimates adjusted for the anticipated effects of the supporting legislation, to the members of the legislature.

(5) The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the

appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.~~

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.~~

(h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document, shall require the governor to report to the legislature on the

progress in achieving the state planning document's goals; and shall require all departments and agencies of state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The joint legislative budget commission may provide policies and goals that shall be incorporated into the long-range state planning document. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range fiscal plan. ~~The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.~~

(i) GOVERNMENT EFFICIENCY TASK FORCE. During January of 2007, and each fourth year thereafter, the president of the senate and the speaker of the house of representatives shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private sector who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created the joint legislative budget commission composed of the following members: the president pro tempore of the senate and four additional senate members appointed by the president of the senate, one of whom must be the chair of the senate appropriations committee; and the speaker pro tempore of the house of representatives and four additional house members appointed by the speaker of the house of representatives, one of whom must be the chair of the house appropriations committee. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chair of the joint legislative budget commission shall be the president pro tempore of the senate and the vice chair of the commission shall be the speaker pro tempore of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chair of the joint legislative budget commission shall be the speaker pro tempore of the house of representatives and the vice chair of the commission shall be the president pro tempore of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and speaker of the house of representatives. A majority of the commission members of each house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties prescribed by general law or joint rule.

ARTICLE VII

FINANCE AND TAXATION

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.

(e) A law enacted after January 1, 2005, may not impose a tax, expand a tax base, increase a tax rate, or repeal a tax exemption, 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.

~~(f)(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 2005-2006 ~~1995-1996~~ fiscal year and thereafter, the state revenues allowed under this subsection for the prior fiscal year shall equal the actual state revenues collected for the prior ~~1994-1995~~ fiscal year less the amount by which actual collections in that year exceed the state revenues allowed in that 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 goods and 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 goods and services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for goods and 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.

BE IT FURTHER RESOLVED that the title and substance of the amendments proposed herein shall appear on the ballot as follows:

STATE PLANNING AND BUDGETING; LIMITATIONS ON STATE REVENUES, LEGISLATIVE POWER TO IMPOSE OR INCREASE TAXES

Proposes amendments to Section 19 of Article III and Section 1 of Article VII of the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range fiscal plans and hold public hearings; to provide requirements for the Governor in submitting a recommended budget and for state agencies in preparing and submitting budget requests; to provide for limited adjustments in the state budget, as provided by law; to require termination of a trust fund 4 years following its initial creation; to require the preparation and biennial revision of a long-range state planning document; to establish a Government Efficiency Task Force and specify its duties; to require limits on legislative imposition of or increase in taxes, expansion of a tax base, or repeal of a tax exemption by requiring a separate bill for that purpose only and an extraordinary vote; to change the existing limit on the amount of revenues the state can receive each year; to

limit the growth in actual revenues from one year to the next, as opposed to the current provision which limits growth in revenues over the allowable limit in the prior year; to delete the exclusion from "state revenues" of revenues that are used to provide matching funds for the federal Medicaid program; to include charges for "goods" imposed by the Legislature within the definition of "state revenues"; and to exclude charges for "goods" imposed by local, regional, or school district governing bodies or by any subsequent amendment or revision to the State Constitution from the definition of "state revenues."

Remove the entire title and insert:

Senate Joint Resolution No. 2506

A joint resolution proposing amendments to Section 19 of Article III and Section 1 of Article VII of the State Constitution, relating to requirements for state budget planning, spending, and accountability, to a limitation on legislative power to impose a tax, expand a tax base, increase a tax rate, or repeal a tax exemption, and to the limitation on state revenue collections.

Rep. Negron moved the adoption of the amendment.

Point of Order

Rep. Seiler raised a point of order, under Rule 12.8(b)(3), that the amendment substantially expanded the scope of the bill and was, therefore, not germane.

The Chair [Speaker Byrd] referred the point to the Co-Chairs of the Subcommittee on Rules. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

Motion

On motion by Rep. Kottkamp, the rules were waived and the House agreed to take up and read HB 1899 the third time by title.

Bills and Joint Resolutions on Third Reading

HB 1899—A bill to be entitled An act relating to construction defects; amending s. 558.001, F.S.; revising legislative findings and declarations; amending s. 558.002, F.S.; revising definitions; amending s. 558.003, F.S.; providing requirements for filing actions alleging construction defects; requiring abatement, upon timely motion, of certain actions filed that do not comply with certain requirements; amending s. 558.004, F.S.; revising requirements, procedures, criteria, and limitations in provisions relating to notice and opportunity to repair construction defects in certain structures; providing requirements and procedures for making, accepting, or rejecting settlement offers; providing for consequences of certain actions relating to settlement offers; specifying legal obligation to make certain repairs or monetary payments under certain circumstances; providing a mutual duty to exchange certain discoverable evidence; providing requirements and limitations; amending s. 558.005, F.S.; revising certain contract content provisions; providing a notice form; providing application; providing severability; providing an effective date.

—was read the third time by title.

Representatives Ambler and Kottkamp offered the following:

(Amendment Bar Code: 409759)

Amendment 7—Remove lines 259-275 and insert:

(a) A written offer to remedy the alleged construction defect at no cost to the claimant, ~~including a report of the scope of the inspection~~, the findings and results of the inspection, a detailed description of the proposed repairs necessary to remedy the defect, and a timetable for the completion of such repairs;

(b) A written offer to compromise and settle the claim by monetary payment, ~~that will not obligate the person's insurer, and a timetable for making payment to be paid within 30 days after the claimant's acceptance of the offer; or~~

(c) A written offer to compromise and settle the claim by a combination of repairs and monetary payment, that will not obligate the person's insurer, that

includes a detailed description of the proposed repairs and a timetable for the completion of such repairs and making payment;

~~(d)(e) A written statement that the person contractor, subcontractor, supplier, or design professional disputes the claim and will not remedy the defect or compromise and settle the claim; or-~~

(e) A written statement that a monetary payment, including insurance proceeds, if any, will be determined by the person's insurer within 30 days after notification to the insurer by means of forwarding the claim, which notification shall occur at the same time the claimant is notified of this settlement option, which the claimant can accept or reject. A written statement under this paragraph may also include an offer under paragraph (c), but such offer shall be contingent upon the claimant also accepting the determination of the insurer whether to make any monetary payment, in addition thereto. If the insurer for the person receiving the claim makes no response within the 30 days following notification, then the claimant shall be deemed to have met all conditions precedent to commencing an action.

Rep. Kottkamp moved the adoption of the amendment.

Representative Ambler offered the following:

(Amendment Bar Code: 570739)

Amendment 1 to Amendment 7—Remove lines 6-8 and insert: defect at no cost to the claimant, ~~including a report of the scope of the inspection, the findings and results of the inspection~~, a detailed description of the proposed repairs

Rep. Kottkamp 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.

Representatives Ambler and Kottkamp offered the following:

(Amendment Bar Code: 150689)

Amendment 8—Remove lines 349-354 and insert: addition, ~~any the offer or failure to offer pursuant to subsection (5) of a contractor, subcontractor, supplier, or design professional~~ to remedy an alleged construction defect or to compromise and settle the claim by monetary payment does not constitute an admission of liability with respect to the defect and is not admissible in an action brought under this chapter.

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

Representatives Ambler and Kottkamp offered the following:

(Amendment Bar Code: 607279)

Amendment 9—Remove lines 390-396 and insert:

(13) Nothing in this section shall relieve the person receiving notice of claim under subsection (1) from complying with all contractual provisions of any liability insurance policy as a condition precedent to coverage for any claim under this section. However, notwithstanding the foregoing or any contractual provision, the providing of a copy of such notice to the person's insurer, if applicable, shall not constitute a claim for insurance purposes. Nothing in this section shall be construed to impair technical notice provisions or requirements of the liability policy or alter, amend, or change existing Florida law relating to rights between insureds and insurers except as otherwise specifically provided herein.

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

The question recurred on the passage of HB 1899. The vote was:

Session Vote Sequence: 880

Speaker Byrd in the Chair.

Yeas—116

Adams	Clarke	Homan	Poppell
Allen	Cretul	Jennings	Prieguez
Altman	Culp	Johnson	Quinones
Ambler	Davis, D.	Jordan	Reagan
Anderson	Davis, M.	Joyner	Richardson
Antone	Dean	Justice	Ritter
Arza	Detert	Kallinger	Rivera
Attkisson	Domino	Kendrick	Robaina
Ausley	Evers	Kilmer	Roberson
Baker	Farkas	Kosmas	Ross
Barreiro	Fields	Kottkamp	Rubio
Baxley	Fiorentino	Kravitz	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Littlefield	Sansom
Bense	Garcia	Llorente	Seiler
Benson	Gardiner	Machek	Simmons
Berfield	Gelber	Mahon	Smith
Bilirakis	Gibson, A.	Mayfield	Sobel
Bogdanoff	Gibson, H.	McInvale	Sorensen
Bowen	Goodlette	Meadows	Spratt
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Green	Murman	Stargel
Brummer	Greenstein	Murzin	Sullivan
Brutus	Harper	Needelman	Troutman
Bucher	Harrell	Negron	Vana
Bullard	Harrington	Patterson	Waters
Byrd	Hasner	Peterman	Wiles
Cantens	Henriquez	Pickens	Wishner
Carroll	Holloway	Planas	Zapata

Nays—None

Votes after roll call:

Yeas—Rich, Slosberg

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

Motion

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

Special Orders

SJR 2394—A joint resolution proposing amendments to Section 10 of Article IV and Section 5 of Article XI of the State Constitution; revising the deadline for filing a constitutional amendment proposed by initiative with the Secretary of State for purposes of placing the proposed amendment on the general election ballot; revising the timeframe for the Supreme Court to render an advisory opinion on the validity of an initiative petition.

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

Representative Joyner offered the following:

(Amendment Bar Code: 511459)

Amendment 1 to Amendment 1 (with ballot statement amendment)—
Remove line(s) 8 and insert:
limit the validity of petition signatures to less than two

Remove line(s) 17 and insert:
than 2 years, and to require the Florida Supreme Court to

Rep. Joyner moved the adoption of the amendment to the amendment,

which was adopted.

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

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HJR 1951 was taken up. On motion by Rep. Pickens, the rules were waived and CS for SJR 2396 was substituted for HJR 1951. Under Rule 5.13, the House joint resolution was laid on the table.

CS for SJR 2396—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was read the second time by title.

Representative Kosmas offered the following:

(Amendment Bar Code: 133857)

Amendment 1 (with ballot statement amendment)—On page 1, line 23, through page 2, line 1,
remove: all of said lines

and insert: directly connected therewith.

(b) The subject matter of a revision or amendment to this constitution proposed by initiative must be of constitutional stature. If the Supreme Court determines that the proposed initiative is not of constitutional stature, the Supreme Court shall direct the Secretary of State to place the question on the next general election ballot as a statutory initiative, which shall be provided for by general law. A provision of constitutional stature is a provision that guarantees important fundamental rights, requires the legislature to address an issue of great importance, limits the powers of the three branches of government, or repeals a provision of this constitution not of constitutional stature.

(c) The initiative power ~~is~~ may be invoked by filing

On page 2, lines 15-21,
remove: all of said lines

and insert: to require the subject matter of a revision or amendment to the State Constitution proposed by initiative to be of constitutional stature, to require the Supreme Court, if it determines that the proposed initiative is not of constitutional stature, to direct the Secretary of State to place the question on the next general election ballot as a statutory initiative, and to define constitutional stature as that which guarantees important fundamental rights, requires the Legislature to address an issue of great importance, limits the powers of the three branches of government, or repeals a provision of the State Constitution not of constitutional stature.

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

Session Vote Sequence: 881

Speaker Byrd in the Chair.

Yeas—39

Antone	Fields	Holloway	Meadows
Ausley	Gannon	Jennings	Peterman
Baxley	Gelber	Joyner	Rich
Bendross-Mindingall	Gibson, A.	Justice	Richardson
Brandenburg	Gottlieb	Kendrick	Ritter
Brutus	Greenstein	Kosmas	Roberson
Bucher	Harper	Machek	Ryan
Bullard	Henriquez	McInvale	Seiler

Slosberg	Sobel	Vana	Wishner
Smith	Sorensen	Wiles	

Nays—78

Adams	Carroll	Hasner	Poppell
Allen	Clarke	Homan	Prieguez
Altman	Cretul	Johnson	Quinones
Ambler	Culp	Jordan	Reagan
Anderson	Davis, D.	Kallinger	Rivera
Arza	Davis, M.	Kilmer	Robaina
Attkisson	Dean	Kottkamp	Ross
Baker	Detert	Kravitz	Rubio
Barreiro	Domino	Kyle	Russell
Bean	Evers	Littlefield	Sansom
Bense	Farkas	Llorente	Simmons
Benson	Fiorentino	Mahon	Spratt
Berfield	Galvano	Mayfield	Stansel
Bilirakis	Garcia	Murman	Stargel
Bogdanoff	Gardiner	Murzin	Sullivan
Bowen	Gibson, H.	Needelman	Troutman
Brown	Goodlette	Negron	Waters
Brummer	Green	Patterson	Zapata
Byrd	Harrell	Pickens	
Cantens	Harrington	Planas	

Representative Ryan offered the following:

(Amendment Bar Code: 489649)

Amendment 2 (with title amendment)—Remove everything after the resolving clause and insert:

That the amendments to Sections 3 and 5 of Article XI 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 2004:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.--

(a) The power to propose the revision or amendment of any portion or portions of this constitution or to propose legislation by initiative is reserved to the people, provided that, any such revision or amendment or legislation, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. Each amendment or revision of any portion or portions of this constitution must also:

(1) Seek to alter, amend, or repeal an existing article of or amendment to this constitution;

(2) Address a basic right of a citizen of this state; or

(3) Change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

(b) The power to propose the revision or amendment of this constitution by initiative ~~it~~ may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(c) The power to propose legislation by initiative may be invoked by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 5. Amendment or revision election.--

(a) A proposed amendment to or revision of this constitution, or any part of it, or any legislation proposed by initiative shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional

convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment or legislation proposed by initiative pursuant to section 3.

(c) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision or the proposed legislation, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(d) If the proposed amendment or revision or the proposed legislation is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state or as part of the Florida Statutes on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision or legislation.

(e) Legislation approved by the voters under this section may not be amended or repealed by the legislature or vetoed by the governor for one year after it goes into effect.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PROPOSAL OF LEGISLATION BY INITIATIVE; LIMITATION ON
TYPES OF CONSTITUTIONAL AMENDMENTS BY INITIATIVE

Proposes amendments to Sections 3 and 5 of Article XI of the State Constitution to provide a right of the people to propose legislation by initiative; provides for invoking such power by filing with the custodian of state records a petition containing a copy of the proposed legislation, signed by a number of electors in each of one-half of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen; provides for submission of such proposal to the electors at the next general election held more than 90 days after the initiative petition proposing it is filed with the custodian of state records; requires a financial impact statement; requires publication in the tenth and sixth weeks immediately preceding the week in which the election is held; provides for taking effect on the first Tuesday after the first Monday in January following the election or on such other date as may be specified therein; and prohibits the Legislature from amending or repealing and the Governor from vetoing it for 1 year after it goes into effect. Also provides that a constitutional amendment or revision proposed by citizen initiative must alter, amend, or repeal an existing article or amendment to the State Constitution; address a basic right of a citizen of this state; or change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

Remove the entire title and insert:

Senate Joint Resolution No. 2396

A joint resolution proposing amendments to Sections 3 and 5 of Article XI of the State Constitution to provide the people the right to propose legislation by initiative and to limit the type of amendment or revision of the constitution which may be proposed by citizen initiative.

Rep. Ryan moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Representative Pickens offered the following:

(Amendment Bar Code: 538905)

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

That the amendment to Section 3 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.--

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) The subject matter of a revision or amendment to this constitution proposed by initiative may not have as its purpose any purpose that may be accomplished by general law. For purposes of this subsection, a purpose that may not be accomplished by general law includes, but is not limited to, a purpose to increase or decrease constitutional limits on governmental power. For purposes of this subsection, a purpose that may be accomplished by general law includes, but is not limited to, a purpose to direct the exercise of existing governmental power.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

LIMITING SUBJECT MATTER OF INITIATIVE PROPOSALS

Proposes an amendment to Section 3 of Article XI of the State Constitution to limit the subject matter of constitutional revisions and amendments proposed by initiative; provides that the subject matter of such a revision or amendment may not have as its purpose any purpose that may be accomplished by general law; provides that a purpose that may not be accomplished by general law includes, but is not limited to, a purpose to increase or decrease constitutional limits on governmental power; provides that a purpose that may be accomplished by general law includes, but is not limited to, a purpose to direct the exercise of existing governmental power.

Remove the entire title and insert:

Senate Joint Resolution No. 2396

A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to limit the subject matter of revisions and amendments to the State Constitution proposed by initiative.

Rep. Pickens moved the adoption of the amendment.

Representative Pickens offered the following:

(Amendment Bar Code: 878657)

Substitute Amendment 3 (with ballot statement amendment)—On page 1, line 23, through page 2, line 8, remove: all of said lines

and insert: directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) A revision or amendment to this constitution proposed by initiative may not have as its purpose any purpose that may be accomplished by general law and must amend or repeal, in whole or in part, an existing section or sections of this constitution on the same subject as the amendment or revision. For purposes of this subsection, a purpose that may not be accomplished by general law shall be limited to amending an existing limitation on governmental power set forth in this constitution, amending an existing basic or fundamental right of a citizen of this state as set forth in Article I, or amending the basic structure of state government as set forth in Article II, Article III, Article IV, or Article V. For purposes of this subsection, a purpose that may be accomplished by general law includes, but is not limited to, a purpose to direct the exercise of existing governmental power.

On page 2, line(s) 16-21, remove: all of said lines

and insert: proposed by citizen initiative may not have as its purpose any purpose that may be accomplished by general law and must amend or repeal, in whole or in part, an existing section or sections of the State Constitution on the same subject. The measure provides that a purpose that may not be accomplished by general law shall be limited to amending an existing limitation on governmental power, amending an existing basic or fundamental right of a citizen as set forth in Article I of the State Constitution, or amending the basic structure of state government as set forth in Article II, Article III, Article IV, or Article V of the State Constitution. The measure further provides that a purpose that may be accomplished by general law includes a purpose to direct the exercise of existing governmental power.

Rep. Pickens moved the adoption of the substitute amendment.

Further consideration of **CS for SJR 2396**, with pending amendments, was temporarily postponed under Rule 11.10.

On motion by Rep. Murman, the rules were waived and the House moved to the order of Messages from the Senate.

SJR 2506—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

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

That the following amendments to Section 19 of Article III of the State Constitution, as amended by Revision No. 8 (1998), are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III
LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.--

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths (3/5) vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds available.

(3) Each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range fiscal plan adopted by the joint legislative budget commission.

(4) For purposes of this ~~section subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor,

Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS REVIEW PROCESS.

(1) No later than August 15 of each year, the joint legislative budget commission shall issue, as prescribed by general law or joint rule, a long-range plan setting out fiscal goals and objectives for the state and its departments and agencies. The long-range fiscal plan must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission may request consensus estimating conferences to develop official estimates.

(2) In consultation with the governor, the joint legislative budget commission shall issue instructions to the departments and agencies for developing legislative budget requests. Each year, no later than September 15 or such other date as may be established by the joint legislative budget commission, each department and agency shall submit a legislative budget request for the ensuing fiscal year to the legislature and to the governor. The legislative budget request must be consistent, as prescribed by general law or joint rule, with the long-range fiscal plan. The legislative budget request shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law.

(3) The joint legislative budget commission shall hold public hearings and seek public input, as prescribed by joint rule, in order to allow each department and agency to provide an independent assessment of the needs reflected in its current budget request. In addition, the commission shall review the performance measures proposed by the departments and agencies in order to ensure that necessary information is available to assist the legislature in making policy and budget decisions.

(4) At least 40 days before the convening of each regular session of the legislature, or such other date as may be established by the joint legislative budget commission, the governor shall furnish a recommended budget and supporting legislation, balanced within revenue estimates adjusted for the anticipated effects of the supporting legislation, to the members of the legislature.

(5) The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection.~~ State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are

legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year.~~ Subject to the provisions of this subsection, ~~the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund.~~ The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document, ~~shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The joint legislative budget commission may provide policies and goals that shall be incorporated into the long-range state planning document. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range fiscal plan. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.~~

(i) GOVERNMENT EFFICIENCY TASK FORCE. During January of 2007, and each fourth year thereafter, the president of the senate and the speaker of the house of representatives shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private sector who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, governor, and chief justice of the supreme

court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created the joint legislative budget commission composed of the following members: the president pro tempore of the senate and four additional senate members appointed by the president of the senate, one of whom must be the chairperson of the senate appropriations committee; and the speaker pro tempore of the house of representatives and four additional house members appointed by the speaker of the house of representatives, one of whom must be the chairperson of the house appropriations committee. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be the president pro tempore of the senate and the vice chairperson of the commission shall be the speaker pro tempore of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be the speaker pro tempore of the house of representatives and the vice chairperson of the commission shall be the president pro tempore of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and speaker of the house of representatives. A majority of the commission members of each house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties prescribed by general law or joint rule.

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 19

STATE PLANNING AND BUDGET PROCESS.--Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range fiscal plans and hold public hearings; to provide requirements for the Governor in submitting a recommended budget and for state agencies in preparing and submitting budget requests; to provide for limited adjustments in the state budget, as provided by law; to require termination of a trust fund 4 years following its initial creation; to require the preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—was taken up, having been read the first and second times earlier today; now pending on point of order by Rep. Seiler, under Rule 12.8(b)(3), on Amendment 2 by Rep. Negron.

Point of Order

Rep. Murman, Co-Chair of the Subcommittee on Rules, in speaking to the point of order on Amendment 2 to SJR 2506, stated the amendment did not unduly expand the scope of the bill. The bill dealt with the implementation of a long-term fiscal plan that included revenue estimates and provided for accountability to the public. The amendment included the provisions of the original bill and further limited the ability of the state to collect revenue. Since revenue is an integral part of the fiscal plan called for in the bill, it was appropriate that it be considered in the overall scope of state budget planning, spending, and accountability contained in the bill.

The Chair [Speaker Byrd], upon the recommendation of Rep. Murman, Co-Chair of the Subcommittee on Rules, ruled the point not well taken.

Representative Negron offered the following:

(Amendment Bar Code: 912513)

Amendment 2 (with title amendment)—Remove everything after the resolving clause and insert:

That the amendments to Section 19 of Article III and Section 1 of Article VII 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 2004:

ARTICLE III LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.--

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds available.

(3) Each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range fiscal plan adopted by the joint legislative budget commission.

(4) For purposes of this section ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. This subsection shall be effective July 1, 1994.

(c) APPROPRIATIONS ~~REVIEW~~ PROCESS.

(1) No later than August 15 of each year, the joint legislative budget commission shall issue, as prescribed by general law or joint rule, a long-range plan setting out fiscal goals and objectives for the state and its departments and agencies. The long-range fiscal plan must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission may request consensus estimating conferences to develop official estimates.

(2) In consultation with the governor, the joint legislative budget commission shall issue instructions to the departments and agencies for developing legislative budget requests. Each year, no later than September 15 or such other date as may be established by the joint legislative budget commission, each department and agency shall submit a legislative budget request for the ensuing fiscal year to the legislature and to the governor. The legislative budget request must be consistent, as prescribed by general law or joint rule, with the long-range fiscal plan. The legislative budget request shall include a prioritized listing of planned expenditures for review and possible

reduction in the event of revenue shortfalls, as defined by general law.

(3) ~~The joint legislative budget commission shall hold public hearings and seek public input, as prescribed by joint rule, in order to allow each department and agency to provide an independent assessment of the needs reflected in its current budget request. In addition, the commission shall review the performance measures proposed by the departments and agencies in order to ensure that necessary information is available to assist the legislature in making policy and budget decisions.~~

(4) ~~At least forty days before the convening of each regular session of the legislature, or such other date as may be established by the joint legislative budget commission, the governor shall provide a recommended budget and supporting legislation, balanced within revenue estimates adjusted for the anticipated effects of the supporting legislation, to the members of the legislature.~~

(5) ~~The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.~~

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. Effective November 4, 1992, a final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 90th day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.~~

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(5) The provisions of this subsection shall be effective November 4, 1992.

(g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-~~

~~1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.~~

(h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The joint legislative budget commission may provide policies and goals that shall be incorporated into the long-range state planning document. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range fiscal plan. ~~The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.~~

(i) GOVERNMENT EFFICIENCY TASK FORCE. During January of 2007, and each fourth year thereafter, the president of the senate and the speaker of the house of representatives shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private sector who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created the joint legislative budget commission composed of the following members: the president pro tempore of the senate and four additional senate members appointed by the president of the senate, one of whom must be the chair of the senate appropriations committee; and the speaker pro tempore of the house of representatives and four additional house members appointed by the speaker of the house of representatives, one of whom must be the chair of the house appropriations committee. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chair of the joint legislative budget commission shall be the president pro tempore of the senate and the vice chair of the commission shall be the speaker pro tempore of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chair of the joint legislative budget commission shall be the speaker pro tempore of the house of representatives and the vice chair of the commission shall be the president pro tempore of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and

shall convene at the call of the president of the senate and speaker of the house of representatives. A majority of the commission members of each house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties prescribed by general law or joint rule.

ARTICLE VII
FINANCE AND TAXATION

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.

(e) A law enacted after January 1, 2005, may not impose a tax, expand a tax base, increase a tax rate, or repeal a tax exemption, 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.

~~(f)~~ 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 ~~2005-2006~~ ~~1995-1996~~ fiscal year and thereafter, the state revenues allowed under this subsection for the prior fiscal year shall equal the actual state revenues collected for the ~~prior~~ ~~1994-1995~~ fiscal year less the amount by which actual collections in that year exceed the state revenues allowed in that 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 goods and 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 goods and services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for goods and 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.

BE IT FURTHER RESOLVED that the title and substance of the

amendments proposed herein shall appear on the ballot as follows:

STATE PLANNING AND BUDGETING; LIMITATIONS ON STATE REVENUES, LEGISLATIVE POWER TO IMPOSE OR INCREASE TAXES

Proposes amendments to Section 19 of Article III and Section 1 of Article VII of the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range fiscal plans and hold public hearings; to provide requirements for the Governor in submitting a recommended budget and for state agencies in preparing and submitting budget requests; to provide for limited adjustments in the state budget, as provided by law; to require termination of a trust fund 4 years following its initial creation; to require the preparation and biennial revision of a long-range state planning document; to establish a Government Efficiency Task Force and specify its duties; to require limits on legislative imposition of or increase in taxes, expansion of a tax base, or repeal of a tax exemption by requiring a separate bill for that purpose only and an extraordinary vote; to change the existing limit on the amount of revenues the state can receive each year; to limit the growth in actual revenues from one year to the next, as opposed to the current provision which limits growth in revenues over the allowable limit in the prior year; to delete the exclusion from "state revenues" of revenues that are used to provide matching funds for the federal Medicaid program; to include charges for "goods" imposed by the Legislature within the definition of "state revenues"; and to exclude charges for "goods" imposed by local, regional, or school district governing bodies or by any subsequent amendment or revision to the State Constitution from the definition of "state revenues."

Remove the entire title and insert:

Senate Joint Resolution No. 2506

A joint resolution proposing amendments to Section 19 of Article III and Section 1 of Article VII of the State Constitution, relating to requirements for state budget planning, spending, and accountability, to a limitation on legislative power to impose a tax, expand a tax base, increase a tax rate, or repeal a tax exemption, and to the limitation on state revenue collections.

The question recurred on the adoption of **Amendment 2**, which was adopted.

Amendment 1 was abandoned.

On motion by Rep. Negron, the rules were waived and SJR 2506, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 882

Speaker Byrd in the Chair.

Yeas—81

Adams	Byrd	Green	Murman
Allen	Cantens	Harrell	Murzin
Altman	Carroll	Harrington	Needelman
Ambler	Clarke	Hasner	Negron
Anderson	Cretul	Homan	Patterson
Arza	Culp	Johnson	Pickens
Attkisson	Davis, D.	Jordan	Planas
Baker	Davis, M.	Kallinger	Poppell
Barreiro	Dean	Kilmer	Prieguez
Baxley	Detert	Kottkamp	Quinones
Bean	Domino	Kravitz	Reagan
Bense	Evers	Kyle	Rivera
Benson	Farkas	Littlefield	Robaina
Berfield	Fiorentino	Llorente	Ross
Bilirakis	Galvano	Machek	Rubio
Bogdanoff	Garcia	Mahon	Russell
Bowen	Gardiner	Mayfield	Simmons
Brown	Gibson, H.	McInvala	Sorensen
Brummer	Goodlette	Mealor	Spratt

Stargel Troutman Waters Zapata
Sullivan

Zapata

Nays—35

Nays—33

Antone	Greenstein	Meadows	Smith
Ausley	Harper	Peterman	Sobel
Bendross-Mindingall	Henriquez	Rich	Stansel
Brandenburg	Holloway	Richardson	Vana
Bullard	Jennings	Ritter	Wiles
Fields	Joyner	Roberson	Wishner
Gelber	Justice	Ryan	
Gibson, A.	Kendrick	Seiler	
Gottlieb	Kosmas	Slosberg	

Antone	Gelber	Justice	Ryan
Ausley	Gibson, A.	Kosmas	Seiler
Bendross-Mindingall	Gottlieb	Machek	Slosberg
Brandenburg	Greenstein	McInvale	Smith
Brutus	Harper	Meadows	Sobel
Bucher	Henriquez	Rich	Vana
Bullard	Holloway	Richardson	Wiles
Fields	Jennings	Ritter	Wishner
Gannon	Joyner	Roberson	

Votes after roll call:

Yeas—Sansom

Nays—Brutus, Bucher, Gannon

Yeas to Nays—Machek, McInvale

Votes after roll call:

Nays—Peterman

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

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

Motion

On motion by Rep. Ross, the rules were waived and the House moved to the order of Special Orders and returned to consideration of CS for SJR 2396.

Special Orders

CS for SJR 2396—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Pickens to adopt Substitute Amendment 3.

The question recurred on the adoption of **Substitute Amendment 3**.

REPRESENTATIVE MURMAN IN THE CHAIR

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

Session Vote Sequence: 883

Rep. Murman in the Chair.

Yeas—81

Adams	Cantens	Harrington	Pickens
Allen	Carroll	Hasner	Planas
Altman	Clarke	Homan	Poppell
Ambler	Cretul	Johnson	Prieguez
Anderson	Culp	Jordan	Quinones
Arza	Davis, D.	Kallinger	Reagan
Attkisson	Davis, M.	Kendrick	Rivera
Baker	Dean	Kilmer	Robaina
Barreiro	Detert	Kotkamp	Ross
Baxley	Domino	Kravitz	Rubio
Bean	Evers	Kyle	Russell
Bense	Farkas	Littlefield	Sansom
Benson	Fiorentino	Llorente	Simmons
Berfield	Galvano	Mahon	Sorensen
Bilirakis	Garcia	Mayfield	Spratt
Bogdanoff	Gardiner	Mealor	Stansel
Bowen	Gibson, H.	Murman	Stargel
Brown	Goodlette	Murzin	Sullivan
Brummer	Green	Needelman	Troutman
Byrd	Harrell	Negron	Waters

—was read the second time by title.

Representative Pickens offered the following:

(Amendment Bar Code: 751859)

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

That the creation of Section 8 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

ARTICLE XI AMENDMENTS

SECTION 8. Limitation on amendments requiring state government to spend in excess of ten million dollars per year.--Each amendment proposed to this constitution that imposes a cost on state government greater than \$10 million per state fiscal year, as estimated in a manner provided by general law, shall directly impose new state taxes or fees sufficient to fund the expenditures required by implementation of the amendment, including the cost of levying and collecting such taxes or fees. The imposition of such taxes or fees shall not be deemed a violation of the single-subject requirement of Section 3. No amendment approved after the effective date of this section shall be construed to require expenditures in excess of the taxes or fees imposed by the amendment, but the legislature may by general law revise the taxes and fees so imposed, provided such authority shall not affect the level of expenditures that would otherwise be required by the amendment. The legislature may, but need not, appropriate funds to implement the purposes of such amendments in amounts greater than the expenditures required under the provisions of this section. A proposed amendment subject to this section may not provide for an exemption from this section. Notwithstanding the provisions of this section, no tax upon estates or inheritances or upon the income of any resident or citizen of the state, nor any other tax prohibited by Article VII of this constitution, shall be imposed by a revision or amendment proposed by initiative unless the proposal embraces but one subject and matter directly connected therewith.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

IMPOSING ADDITIONAL REQUIREMENTS ON PROPOSED CONSTITUTIONAL AMENDMENTS THAT REQUIRE STATE SPENDING ABOVE A SPECIFIED AMOUNT

Proposes the creation of Section 8 of Article XI of the State Constitution to require that any proposed constitutional amendment requiring state government to spend more than \$10 million per fiscal year must identify a

new revenue source sufficient to pay for that increased spending. The increase in state spending would be estimated according to a process specified in general law. To identify a new revenue source, such a proposed constitutional amendment would be required to specify new state taxes or fees that would be imposed if voters approved that amendment. Because adoption of such a proposed constitutional amendment would impose new state taxes or fees, the present requirements of Section 7 of Article XI of the State Constitution would require that such proposed amendment be approved by at least two-thirds of those voting in the election in which that proposed amendment is considered. Such an amendment's imposition of new state taxes or fees pursuant to this measure would not violate the single subject requirement of Section 3 of Article XI, which regulated citizen initiative. However, new inheritance, estate, income taxes, and other taxes prohibited by Article VII would continue to be limited by a single subject requirement if proposed by citizen initiative. No proposed constitutional amendment subject to this measure could be construed to require state expenditures in excess of the taxes or fees imposed by such an amendment. If such an amendment were approved by the voters, the Legislature could by general law revise or repeal the taxes or fees imposed by that amendment, but the expenditures otherwise required by the amendment could not be affected. The Legislature could choose to appropriate additional funds to implement the amendment beyond those generated by the amendment's new state taxes or fees. No proposed constitutional amendment subject to this measure could exempt itself from the requirements of this measure.

Remove the entire title and insert:

House Joint Resolution

A joint resolution proposing the creation of Section 8 of Article XI of the State Constitution to impose additional requirements on proposed constitutional amendments that require state spending above a specified amount.

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

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 23—A bill to be entitled An act relating to property tax exemptions; amending s. 196.24, F.S.; entitling disabled veterans and the surviving spouses of such veterans to an exemption from taxation of the value of certain property under certain circumstances; providing for grandfathering persons currently receiving the exemption; providing an effective date.

The Committee on Finance & Tax recommended the following:

HB 23 CS—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term "ex-service member"; amending s. 196.081, F.S.; providing exemption for certain permanently and totally disabled veterans; providing a conforming cross reference; amending s. 196.24, F.S.; entitling disabled ex-service members and the surviving spouses of such persons to an exemption from taxation of the value of certain property under certain circumstances; providing for grandfathering persons currently receiving the exemption; providing an effective date.

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

HB 51—A bill to be entitled An act relating to insurance; creating s. 255.0517, F.S.; defining terms; limiting the authority of certain public agencies to purchase owner-controlled insurance programs for public construction projects; establishing purchase requirements; providing exemptions; creating s. 627.441, F.S.; defining terms; requiring insurers issuing commercial general liability policies to offer coverage for completed operations liability for certain contractors to the extent that coverage is not provided under an owner-controlled insurance program; providing an effective date.

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

the Engrossing Clerk.

HB 195 was taken up. On motion by Rep. Russell, SB 122 was substituted for HB 195. Under Rule 5.13, the House bill was laid on the table.

SB 122—A bill to be entitled An act relating to instructional materials for K-12 public education; authorizing the Department of Education to conduct a pilot program; authorizing a pilot program within specified counties to enable selected school districts to realize cost savings in the purchase of used instructional materials; imposing requirements on the vendors of such materials; absolving the state from responsibility for certain financial losses; requiring the Council for Education Policy Research and Improvement to report to the Legislature; providing for future repeal; providing an effective date.

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

HB 585—A bill to be entitled An act relating to the Florida Building Code; specifying legislative approval of certain recommendations of the Florida Building Commission relating to certain provisions of the Florida Building Code; requiring the commission to adopt certain provisions as part of the Florida Building Code; providing legislative findings; exempting the adoption of such provisions from certain requirements of law or commission rules; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 585 CS—A bill to be entitled An act relating to the Florida Building Code; requiring the Florida Building Commission to expedite the adoption and implementation of the Florida Building Code; requiring such adoption pursuant to certain requirements of law; waiving application of certain update and amendment requirements and administrative rule provisions; providing an effective date.

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

HB 599—A bill to be entitled An act relating to dealing in stolen property; amending s. 812.022, F.S.; creating an inference that a person accepting used property knew or should have known that the property is stolen if the property contains conspicuous ownership information identifying the owner; providing that the inference does not arise if the dealer confirms that the property is not stolen property; providing an effective date.

The Committee on Public Safety & Crime Prevention recommended the following:

HB 599 CS—A bill to be entitled An act relating to dealing in stolen property; amending s. 812.022, F.S.; creating an inference that certain persons accepting used property knew or should have known that the property was stolen if the property conspicuously displays specified information; specifying actions such persons may take to avoid the inference; providing exceptions providing an effective date.

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

HB 639—A bill to be entitled An act relating to interest payable on death claim payments; amending s. 627.4615, F.S.; specifying alternative interest rates for proceeds payable on death claims; deleting a minimum rate requirement; providing an effective date.

The Committee on Insurance recommended the following:

HB 639 CS—A bill to be entitled An act relating to insurance guaranty associations; amending ss. 631.54 and 631.904, F.S.; revising the definition of covered claim; excluding certain claims rejected by another state's guaranty fund under certain circumstances; denying member insurers any right to

indemnification or contribution sought through third parties; providing an effective date.

—was read the second time by title.

Representative Fields offered the following:

(Amendment Bar Code: 835433)

Amendment 1—Remove line 57, and insert:
liquidation law, except this exclusion from the definition of covered claim shall not apply to employers who, prior to April 30, 2004, entered into an agreement with the corporation preserving the employer's right to seek coverage of claims rejected by another state's guaranty fund; or any return of premium resulting from a

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 747 was taken up. On motion by Rep. Culp, the rules were waived and SB 1938 was substituted for HB 747. Under Rule 5.13, the House bill was laid on the table.

SB 1938—A bill to be entitled An act relating to retrofitting of common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112, 719.106, F.S.; providing for unit owners or shareholders to petition the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules; providing an effective date.

—was read the second time by title.

Rep. Culp moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **SB 1938** was temporarily postponed under Rule 11.10.

HB 849 was taken up. On motion by Rep. Brummer, the rules were waived and CS for CS for CS for SB 1214 was substituted for HB 849. Under Rule 5.13, the House bill was laid on the table.

CS for CS for CS for SB 1214—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; creating part III of ch. 369, F.S., consisting of ss. 369.314, 369.315, 369.316, 369.317, 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and 369.324, F.S.; providing legislative intent; providing a legal description of the Wekiva Study Area; defining the Wekiva Parkway; providing guiding principles for the Wekiva Parkway Design Features and Construction; limiting the number of interchanges along the Wekiva Parkway; granting the Department of Transportation certain eminent domain authority for the Wekiva Parkway construction; requiring that certain entities locate the precise corridor and interchanges for the Wekiva Parkway in Seminole County consistent with this act; providing that the Orlando-Orange County Expressway Authority is granted authority to act as a third-party acquisition agent on behalf of the Board of Trustees of the Internal Improvement Trust Fund or the St. Johns River Water Management District; providing that certain properties shall be acquired prior to the completion of the parkway; requiring certain entities and agencies to cooperate and establish funding responsibilities and partnerships; requiring certain studies by the Department of Environmental Protection, the Department of Health, the St. Johns River Water Management District, and the Department of Agriculture and Consumer Services; providing for a master stormwater plan; providing for a wastewater facility plan; requiring certain local government comprehensive plan amendments; providing for the coordination of land use and water supply

with the Wekiva Study Area; providing that comprehensive plans and comprehensive plan amendments be reviewed for compliance by the Department of Community Affairs; creating the Wekiva River Basin Commission; amending s. 163.3184, F.S.; amending the definition of "compliance"; creating s. 348.7546, F.S.; authorizing the construction and financing of the Wekiva Parkway; creating s. 348.7547, F.S.; authorizing the construction and financing of the Maitland Boulevard Extension and Northwest Beltway Part A; providing an effective date.

—was read the second time by title.

Statement of Legislative Intent on CS for CS for CS for SB 1214

On motion by Rep. Brummer, the rules were waived and the following statement was ordered spread upon the *Journal*, in order to establish legislative intent:

Rep. Brummer: This is a Statement of Intent for the House *Journal*. Subsection 6 of the bill authorized the Orlando-Orange County Expressway Authority to negotiate for acquisition of all certain specific parcels of land in the Wekiva study area. The authority will serve as the third-party acquisition agent for the board of trustees' St. Johns Water Management District, in acquiring conservation lands if necessary to acquire the parcels. The authority will be empowered by existing law or through acquisition agreements to take the property by eminent domain. Sections 6(a) and (b) describe the public purposes which will support such action.

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

Session Vote Sequence: 884

Rep. Murman in the Chair.

Yeas—113

Adams	Davis, D.	Jordan	Rich
Allen	Davis, M.	Joyner	Richardson
Altman	Dean	Justice	Rivera
Ambler	Detert	Kallinger	Robaina
Anderson	Domino	Kendrick	Roberson
Arza	Evers	Kilmer	Ross
Attkisson	Farkas	Kosmas	Rubio
Ausley	Fields	Kottkamp	Russell
Baker	Fiorentino	Kravitz	Ryan
Barreiro	Galvano	Kyle	Sansom
Baxley	Gannon	Littlefield	Seiler
Bean	Garcia	Llorente	Simmons
Bendross-Mindingall	Gardiner	Machek	Slosberg
Bense	Gelber	Mahon	Smith
Benson	Gibson, A.	Mayfield	Sobel
Berfield	Gibson, H.	McInvale	Sorensen
Bilirakis	Goodlette	Meadows	Spratt
Bogdanoff	Gottlieb	Mealor	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Cantens	Holloway	Poppell	Zapata
Clarke	Homan	Prieguez	
Cretul	Jennings	Quinones	
Culp	Johnson	Reagan	

Nays—None

Votes after roll call:

Yeas—Antone, Murman, Ritter

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

HB 1087—A bill to be entitled An act relating to radiologists performing mammograms; providing licensed radiologists with immunity from tort liability under certain circumstances; providing exceptions; providing for future repeal unless reviewed and reenacted by the Legislature; providing an effective date.

The Committee on Health Care recommended the following:

HB 1087 CS—A bill to be entitled An act relating to radiologists performing mammograms; providing licensed radiologists with immunity from tort liability under certain circumstances; providing criteria and requirements; providing exceptions; providing for future repeal unless reviewed and reenacted by the Legislature; creating the Workgroup on Mammography Accessibility in the Department of Health; requiring the workgroup to conduct a study; providing for membership; requiring a report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Representative Green offered the following:

(Amendment Bar Code: 179501)

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

Section 1. The Legislature finds that it is of the utmost public importance that quality mammography services and other diagnostic tools remain available to detect and treat breast cancer. The Office of Program Policy Analysis and Government Accountability and the Department of Health shall study issues relating to the availability utilization, quality, and cost of mammography services in all facilities performing mammography. The study shall include, but need not be limited to, examining the following factors that impact availability utilization, quality, and cost: reimbursement fees, copayment fees paid by patients, incidence of lawsuits filed, equipment and liability insurance costs and insurance availability, equipment maintenance and calibration, staffing requirements and training, type and number of facilities performing mammography, facilities surveyed by the Bureau of Radiation Control of the Department of Health, population density of females aged 40 and older in each county, and other factors that relate to the demand and availability of mammography service. The Office of Program Policy Analysis and Government Accountability shall complete its study and submit its report to the Legislature by December 15, 2004.

(1) There is also created the Workgroup on Mammography Accessibility within the Department of Health. The workgroup shall study:

(a) The availability, quality of care, and accessibility of mammography in this state.

(b) The need for research and educational facilities, including facilities with institutional training programs and community training programs for doctors of radiological medicine at the student, internship, and residency levels.

(c) The availability of resources, including health personnel and management personnel for mammography programs.

(d) The patient wait times for screening and diagnostic mammography.

(2) The workgroup shall consist of 13 members and be staffed by the Department of Health. It shall be chaired by the Secretary of Health or his or her designee. The remaining 12 members shall be appointed as follows: the Governor shall appoint four members, the President of the Senate shall appoint four members, one of whom shall be a member of the Senate, and the Speaker of the House of Representatives shall appoint four members, one of whom shall be a member of the House of Representatives. The Governor's appointees and the Legislature's appointees who are not members of the Legislature must have a background in mammography by either practicing or teaching or both as a physician in the field of mammography, insuring mammography health care providers, or trying or defending medical malpractice cases as an attorney.

(3) By December 15, 2004, the department shall submit a report to the

Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees which provides the findings of the workgroup and recommendations for legislative action.

Section 2. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to radiologists performing mammograms; providing legislative findings; providing for studies; providing for membership of a workgroup; providing for reports; providing an effective date.

WHEREAS, breast cancer is the second leading cause of cancer deaths in women, and

WHEREAS, mammography is an imperfect screening test but the best tool available to detect breast cancer, and

WHEREAS, early detection of breast cancer decreases mortality by 30 percent, and

WHEREAS, the population of women who will need screening is increasing, NOW, THEREFORE,

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 1127—A bill to be entitled An act relating to the Discovery of Florida Quincentennial Commemoration Commission; establishing the commission; providing for a term of existence of the commission; providing for commission membership; providing for terms of members; providing for successor appointment; providing for commission meetings; specifying serving without compensation; providing for per diem and travel expenses; requiring the commission to adopt bylaws; requiring the commission to develop a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and Legislature; authorizing the commission to appoint subcommittees; providing compensation and expense limitations; authorizing the commission to employ an executive director and staff; requiring the Department of State to provide administrative support and consulting services; authorizing the commission to establish a not-for-profit corporation for certain purposes; requiring the corporation to apply for federal tax-exempt status; authorizing the corporation to receive moneys for certain purposes; providing an effective date.

The Committee on Commerce recommended the following:

HB 1127 CS—A bill to be entitled An act relating to preserving Florida's history; amending s. 267.031, F.S.; providing additional responsibilities of the Division of Historical Resources of the Department of State relating to preserving archaeological sites and artifacts; authorizing the division to enter into a memorandum of agreement with the University of West Florida for purposes of a network of regional public archaeology centers; amending s. 267.14, F.S.; providing additional legislative intent relating to local archaeology; creating s. 267.145, F.S.; requiring the Department of State to create a network of public archaeology centers for certain purposes; requiring administration of the network through a center at the University of West Florida; providing for establishing additional centers; creating s. 267.174, F.S.; providing a popular name; creating the Discovery of Florida Quincentennial Commemoration Commission within the Department of State for certain purposes; providing for commission membership; providing for terms of members; providing for successor appointment; providing for election of officers; requiring the commission to adopt bylaws; providing for commission meetings; specifying serving without compensation; providing for per diem and travel expenses; requiring the commission to develop a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and Legislature; providing responsibilities of the department; authorizing the appointment of subcommittees; requiring the Secretary of State to appoint an advisory committee composed of all former living governors of the state; requiring the commission to provide advice and assistance to the Department of State regarding master plan implementation and activities of a citizen support organization; specifying the appointment of two subcommittees; providing compensation only for per

diem and travel expenses; requiring the Department of State to provide administrative support and consulting services subject to an appropriation; authorizing the Department of State to enter into contracts or accept loans or grants for money, property, or personal services to implement requirements; providing for assumption of other functions to carry out provisions; providing for the establishment of a citizen support organization for certain purposes; authorizing the organization to receive moneys for certain purposes; authorizing the Secretary of State to adopt a master plan; providing for legislative budget requests; providing for a term of existence of the commission and the citizen support organization; providing for transfer of documents and remaining assets of the commission and citizen support organization upon termination; providing an effective date.

—was read the second time by title.

Rep. Harrington moved that the rules be waived and a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1127** was temporarily postponed under Rule 11.10.

SB 1938—A bill to be entitled An act relating to retrofitting of common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112, 719.106, F.S.; providing for unit owners or shareholders to petition the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules; providing an effective date.

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

Representatives Culp, Seiler, and Goodlette offered the following:

(Amendment Bar Code: 147819)

Amendment 1—On page 1, line(s) 24, through page 4, line 30 remove: all of said lines

and insert:

718.112 Bylaws.--

(2) REQUIRED PROVISIONS.--The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(1) Certificate of compliance.--There shall be a provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code. Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium with a fire sprinkler system or other engineered lifesafety system in a building that has been certified for occupancy by the applicable governmental entity, if the unit owners have voted to forego such retrofitting and engineered lifesafety system by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting with a fire sprinkler system of common areas in a high-rise building. For purposes of this subsection, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable story. For purposes of this subsection, the term "common areas" means any enclosed hallway, corridor, lobby, stairwell, or entryway. In no event shall the local authority having jurisdiction require completion of retrofitting of common areas with a sprinkler system before the end of 2014.

1. A vote to forego retrofitting may ~~not be obtained by general proxy or limited proxy or by a ballot, but shall be obtained by a vote~~ personally cast at a duly called membership meeting, or by execution of a written consent by the

member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail, hand deliver, or electronically transmit to provide each unit owner written notice at least 14 days prior to such membership meeting that includes a statement that a ~~of the~~ vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's vote, notice of the results of the vote shall be mailed, hand delivered, or electronically transmitted to all unit owners. Evidence of compliance with this 30-day notice requirement shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association, in at least 16 point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease.

2. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.

Section 2. Paragraph (a) of subsection (5) of section 719.1055, Florida Statutes, is amended to read:

719.1055 Amendment of cooperative documents; alteration and acquisition of property.--

(5) Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, a cooperative or unit owner is not obligated to retrofit the common elements or units of a residential cooperative with a fire sprinkler system or other engineered life safety system in a building that has been certified for occupancy by the applicable governmental entity, if the unit owners have voted to forego such retrofitting and engineered life safety system by the affirmative vote of two-thirds of all voting interests in the affected cooperative. However, a cooperative may not forego the retrofitting with a fire sprinkler system of common areas in a high-rise building. For purposes of this subsection, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable story. For purposes of this subsection, the term "common areas" means any enclosed hallway, corridor, lobby, stairwell, or entryway. In no event shall the local authority having jurisdiction require completion of retrofitting of common areas with a sprinkler system before the end of 2014.

(a) A vote to forego retrofitting may ~~not be obtained by general proxy or limited proxy or by a ballot, but shall be obtained by a vote~~ personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the cooperative is located. The association shall mail, hand deliver, or electronically transmit to provide each unit owner written notice at least 14 days prior to such membership meeting that includes a statement that a ~~of the~~ vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's vote, notice of the results of the vote shall be mailed, hand delivered, or electronically transmitted to all unit owners. Evidence of compliance with this 30-day notice requirement shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association, in at least 16 point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease.

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

Rep. Smith moved that the rules be waived and a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **SB 1938** was temporarily postponed under Rule 11.10.

HB 1241 was taken up. On motion by Rep. Berfield, CS for SB 1926 was substituted for HB 1241. Under Rule 5.13, the House bill was laid on the table.

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; creating s. 624.4315, F.S.; requiring workers' compensation insurers to notify the Office of Insurance Regulation of significant underwriting changes; amending s. 627.171, F.S.; providing that the 10-percent limit on the percentage of commercial insurance policies that an insurer may write at a rate in excess of the applicable filed rate excludes workers' compensation policies written for an employer in lieu of coverage from the joint underwriting plan established under s. 627.311(5), F.S.; amending s. 627.211, F.S.; revising the standards used by the Office of Insurance Regulation in approving or disapproving an insurer's deviation from the approved workers' compensation rate filing; requiring the Office of Insurance Regulation to submit an annual report to the Legislature which evaluates competition in the workers' compensation insurance market; providing an effective date.

—was read the second time by title.

Representative Berfield offered the following:

(Amendment Bar Code: 968961)

Amendment 1—On page 4, line(s) 10, remove: all of said line

and insert: office. An insurer may apply the premiums approved pursuant to s. 627.091 or its uniform deviation approved pursuant to this section to a particular insured according to underwriting guidelines filed with and approved by the office, such approval to be based on ss. 627.062 and 627.072.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 1251—A bill to be entitled An act relating to a joint underwriting plan of insurers; amending s. 627.311, F.S.; revising provisions requiring the Office of Insurance Regulation to approve a joint underwriting plan for workers' compensation and employer's liability insurers; requiring plan rates to be noncompetitive with the voluntary market for certain purposes; deleting authorization for insureds to select certain alternative coverages; revising criteria, requirements, and limitations for certain required subplans; requiring participants in certain subplans to pay certain plan premiums plus a surcharge imposed by the plan's board of governors for certain purposes; deleting a surcharge limitation for certain organizations; revising criteria, requirements, and limitations for a required depopulation program to reduce numbers of insureds under certain subplans; revising certain subplan notice requirements; providing for funding of the plan through deficit funding; providing for a one-time capital contribution from the Workers' Compensation Administration Trust Fund to defray certain subplan deficits prior to certain assessments; authorizing the board of governors of the plan to levy assessments to cover certain subplan deficits under certain circumstances; providing criteria and limitations; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1251 CS—A bill to be entitled An act relating to a joint underwriting plan of insurers; amending s. 627.311, F.S.; revising provisions requiring the Office of Insurance Regulation to approve a joint underwriting plan for workers' compensation and employer's liability insurers; requiring plan rates to be noncompetitive with the voluntary market for certain purposes; deleting authorization for insureds to select certain alternative coverages; requiring the plan of operation to establish three tiers for eligible employers; specifying criteria and rates for each tier; providing for an Assigned Risk Adjustment Program for certain employers; deleting provisions requiring establishment of certain subplans; providing policyholder choice under certain circumstances; providing requirements for premiums under such tiers; revising criteria,

requirements, and limitations for a required depopulation program to reduce numbers of insureds under the tiers; providing an application fee for administration and fraud prevention; revising certain tier notice requirements; providing for funding of the plan through deficit funding; providing for a one-time capital contribution from the Workers' Compensation Administration Trust Fund to defray deficits prior to certain assessments; providing a mechanism for collecting deficit assessments; providing duties of the office; providing requirements, procedures, and limitations for collecting and enforcing deficit assessments; providing for transfers of funds from the Workers' Compensation Administration Trust Fund to the plan under certain circumstances; providing an exclusion for deficit assessments from certain taxes; specifying that deficit assessments are plan funds when collected; providing notice requirements for certain policies; providing for liability of certain insureds for certain additional deficit assessments; specifying venue for proceedings to enforce or collect assessments; expanding a prohibition against providing certain persons with workers' compensation and employers' liability insurance; providing an exclusion for the plan from certain taxes and assessments; providing an effective date.

—was read the second time by title.

Further consideration of **HB 1251** was temporarily postponed under Rule 11.10.

HB 1281—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements; providing for the confidentiality of personal identifying information contained in records of current or former county attorneys, assistant county attorneys, municipal attorneys, and assistant municipal attorneys responsible for prosecuting violations of local codes and ordinances, and the spouses and children of those attorneys; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Rep. Wiles moved that the rules be waived and a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1281** was temporarily postponed under Rule 11.10.

HB 1361—A bill to be entitled An act relating to property taxes; amending s. 200.071, F.S.; prohibiting ad valorem tax levies by counties in excess of amounts specified in the county charter; prohibiting ad valorem tax levies by counties through municipal service taxing units in excess of amounts specified in the ordinance establishing the unit; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1361 CS—A bill to be entitled An act relating to property taxes; amending s. 200.071, F.S.; authorizing counties to cap annual growth in ad valorem tax revenues by charter; providing requirements and limitations; providing an exception; prohibiting ad valorem tax levies by counties in excess of amounts specified in the county charter; prohibiting ad valorem tax levies by counties through municipal service taxing units in excess of amounts specified in the ordinance establishing the unit; providing an effective date.

—was read the second time by title.

Representative Needelman offered the following:

(Amendment Bar Code: 306077)

Amendment 1—Remove line(s) 25, and insert: amount specified in the county charter, whichever is less, as provided in paragraph (b).

Rep. Needelman moved the adoption of the amendment, which was

adopted.

Representative Needelman offered the following:

(Amendment Bar Code: 662077)

Amendment 2—Remove lines 55-56, and insert:
excess of 10 mills, or an amount specified in the ordinance establishing the municipal service taxing unit, if any, whichever is

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

SB 1938—A bill to be entitled An act relating to retrofitting of common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112, 719.106, F.S.; providing for unit owners or shareholders to petition the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules; providing an effective date.

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

Representative Smith offered the following:

(Amendment Bar Code: 156237)

Amendment 2 (with title amendment)—On page 15, between line(s) 22 and 23, insert:

Section 5. Paragraph (d) of subsection (1) of section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.--

(1) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 498, has the power to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has the following powers and duties:

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against any developer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board of administration, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or

association, or its assignee or agent, for any violation of this chapter or a rule promulgated pursuant hereto. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant hereto, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order will not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred. In addition to the powers set forth in this subparagraph, the division shall have the authority to appoint a receiver in those communities where the division's investigation has resulted in a finding that a board of directors has failed to maintain, repair, and replace the common elements to the extent the health, safety, and welfare of the residents is endangered.

On page 1, line(s) 17, after the semicolon, insert: amending s. 718.501, F.S.; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes to appoint a receiver in certain communities which have failed to maintain, repair, and replace common elements for certain purposes;

Rep. Smith moved the adoption of the amendment.

Further consideration of **SB 1938**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 1127—A bill to be entitled An act relating to preserving Florida's history; amending s. 267.031, F.S.; providing additional responsibilities of the Division of Historical Resources of the Department of State relating to preserving archaeological sites and artifacts; authorizing the division to enter into a memorandum of agreement with the University of West Florida for purposes of a network of regional public archaeology centers; amending s. 267.14, F.S.; providing additional legislative intent relating to local archaeology; creating s. 267.145, F.S.; requiring the Department of State to create a network of public archaeology centers for certain purposes; requiring

administration of the network through a center at the University of West Florida; providing for establishing additional centers; creating s. 267.174, F.S.; providing a popular name; creating the Discovery of Florida Quincentennial Commemoration Commission within the Department of State for certain purposes; providing for commission membership; providing for terms of members; providing for successor appointment; providing for election of officers; requiring the commission to adopt bylaws; providing for commission meetings; specifying serving without compensation; providing for per diem and travel expenses; requiring the commission to develop a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and Legislature; providing responsibilities of the department; authorizing the appointment of subcommittees; requiring the Secretary of State to appoint an advisory committee composed of all former living governors of the state; requiring the commission to provide advice and assistance to the Department of State regarding master plan implementation and activities of a citizen support organization; specifying the appointment of two subcommittees; providing compensation only for per diem and travel expenses; requiring the Department of State to provide administrative support and consulting services subject to an appropriation; authorizing the Department of State to enter into contracts or accept loans or grants for money, property, or personal services to implement requirements; providing for assumption of other functions to carry out provisions; providing for the establishment of a citizen support organization for certain purposes; authorizing the organization to receive moneys for certain purposes; authorizing the Secretary of State to adopt a master plan; providing for legislative budget requests; providing for a term of existence of the commission and the citizen support organization; providing for transfer of documents and remaining assets of the commission and citizen support organization upon termination; providing an effective date.

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

Representative Harrington offered the following:

(Amendment Bar Code: 142483)

Amendment 1—Remove line 176, and insert:
later than January 31, 2006. Subsequent meetings shall be held

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 1281—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements; providing for the confidentiality of personal identifying information contained in records of current or former county attorneys, assistant county attorneys, municipal attorneys, and assistant municipal attorneys responsible for prosecuting violations of local codes and ordinances, and the spouses and children of those attorneys; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

Representative Wiles offered the following:

(Amendment Bar Code: 041093)

Amendment 1 (with title amendment)—
Remove line 100 and insert:

and s. 24(a), Art. I of the State Constitution upon written request by the attorney, which must include verification that the attorney has received a work-related threat to his or her life, health, or safety or to the life, health, or safety of a member of his or her family. This

Remove line 10 and insert:

those attorneys upon written request by the attorney, which must include

verification that the attorney has received a work-related threat to his or her life, health, or safety or to the life, health, or safety of a member of his or her family; providing for review and repeal;

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 1737—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; revising conditions for exemption from public records of certain information held by the Department of Highway Safety and Motor Vehicles; revising provisions for release of such information; providing for future repeal and legislative review; providing legislative finding of public necessity; providing an effective date.

—was read the second time by title.

Representative Vana offered the following:

(Amendment Bar Code: 188259)

Amendment 1 (with title amendment)—Remove line(s) 34 and insert:
by the Department of Highway Safety and Motor Vehicles. No state agency, agent of the state, or company holding a contract with the state shall market or provide for sale any personal information contained in a motor vehicle record, nor shall any such information be used for mass solicitation. Personal

Remove line 5 and insert:
Highway Safety and Motor Vehicles; prohibiting marketing or sale of personal information; prohibiting use of such information for mass solicitation; revising provisions for

Rep. Vana moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 885

Speaker Byrd in the Chair.

Yeas—51

Ambler	Galvano	Justice	Roberson
Antone	Gannon	Kendrick	Ryan
Ausley	Gelber	Kilmer	Seiler
Bean	Gibson, A.	Kosmas	Slosberg
Bendross-Mindingall	Gibson, H.	Llorente	Smith
Benson	Gottlieb	Machek	Sobel
Bogdanoff	Greenstein	McInvale	Stansel
Brandenburg	Harper	Meadows	Stargel
Brutus	Henriquez	Negron	Sullivan
Bucher	Holloway	Peterman	Vana
Bullard	Jennings	Rich	Wiles
Evers	Johnson	Richardson	Wishner
Fields	Joyner	Ritter	

Nays—58

Adams	Bense	Cretul	Fiorentino
Allen	Berfield	Culp	Garcia
Altman	Bilirakis	Davis, D.	Gardiner
Anderson	Bowen	Davis, M.	Goodlette
Arza	Brown	Dean	Green
Attkisson	Brummer	Detert	Harrell
Baker	Byrd	Domino	Harrington
Barreiro	Clarke	Farkas	Hasner

Homan	Mealor	Prieguez	Sansom
Jordan	Murman	Quinones	Simmons
Kallinger	Murzin	Reagan	Spratt
Kottkamp	Needelman	Rivera	Waters
Littlefield	Pickens	Ross	Zapata
Mahon	Planas	Rubio	
Mayfield	Poppell	Russell	

Votes after roll call:

Yeas—Baxley

Nays to Yeas—Adams, Dean, Garcia, Harrell, Hasner, Murzin, Poppell, Quinones

Explanation of Vote for Sequence Number 885

Press No in error

*Rep. John "Q" Quinones
District 49*

Representative Russell offered the following:

(Amendment Bar Code: 890167)

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

Section 1. Paragraph (aa) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.--

(3)

(aa) ~~Upon a request made in a form designated by the Department of Highway Safety and Motor Vehicles, Personal information contained in a motor vehicle record that identifies the subject of that record requester is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution except as provided in this paragraph. Personal information includes, but is not limited to, the subject's requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. For purposes of this paragraph, personal information does not include information relating to vehicular crashes, driving violations, and driver's status. Such request may be made only by the person who is the subject of the motor vehicle record. For purposes of this paragraph, "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles. Personal information contained in motor vehicle records exempted by an individual's request pursuant to this paragraph shall be released by the department for any of the following uses:~~

1. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers, to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

2. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

3. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

4. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

b. If such information as so submitted is not correct or is no longer correct,

to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

5. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or agency or before any self-regulatory body for:

a. Service of process by any certified process server, special process server, or other person authorized to serve process in this state.

b. Investigation in anticipation of litigation by an attorney licensed to practice law in this state or the agent of the attorney; however, the information may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

c. Investigation by any person in connection with any filed proceeding; however, the information may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

d. Execution or enforcement of judgments and orders.

e. Compliance with an order of any court.

6. For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

8. For use in providing notice to the owners of towed or impounded vehicles.

9. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this paragraph. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a police report, court order, or a business or personal relationship with the subject of the investigation.

10. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. ss. 31301 et seq ~~the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App. 2710 et seq.~~

11. For use in connection with the operation of private toll transportation facilities.

12. For bulk distribution for surveys, marketing, or solicitations when the department has obtained the express consent of the person to whom such personal information pertains. ~~implemented methods and procedures to ensure that:~~

a. ~~Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and~~

b. ~~The information will be used, rented, or sold solely for bulk distribution for survey, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have timely requested that they not be directed at them.~~

13. For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record.

14. For any other use specifically authorized by state law, if such use is related to the operation of a motor vehicle or public safety.

15. For any other use if the person to whom the information pertains has given express consent on a form prescribed by the department. Such consent shall remain in effect until it is revoked by the person on a form prescribed by the department.

The restrictions on disclosure of personal information provided by this paragraph shall not in any way affect the use of organ donation information on individual driver licenses nor affect the administration of organ donation initiatives in this state. Personal information exempted from public disclosure according to this paragraph may be disclosed by the Department of Highway Safety and Motor Vehicles to an individual, firm, corporation, or similar business entity whose primary business interest is to resell or redisclose the personal information to persons who are authorized to receive such information. Prior to the department's disclosure of personal information, such individual, firm, corporation, or similar business entity must first enter into a contract with the department regarding the care, custody, and control of the personal information to ensure compliance with the federal Driver's Privacy Protection Act of 1994 and applicable state laws. An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subparagraph 12., may contract with the Department of Highway Safety

and Motor Vehicles to resell or redisclose the information for any use permitted under this paragraph. However, only authorized recipients of personal information under subparagraph 12. may resell or redisclose personal information pursuant to subparagraph 12. Any authorized recipient who resells or rediscloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. Such records shall be made available for inspection upon request by the department. The department shall adopt rules to carry out the purposes of this paragraph and the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721 et seq ~~Title XXX, Pub. L. No. 103-322~~. Rules adopted by the department shall provide for the payment of applicable fees and, prior to the disclosure of personal information pursuant to this paragraph, shall require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department requires.

Section 2. Paragraph (aa) of subsection (3) of s. 119.07, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that personal information in an individual's motor vehicle record held by the Department of Highway Safety and Motor Vehicles be exempt from public disclosure. Making such personal information exempt conforms state law to the requirements of the Federal Driver's Privacy Protection Act of 1994, as amended by s. 350 of Pub. L. No. 106-69, which prohibits disclosure of such information of a sensitive, personal nature, with specified exceptions. Additionally, the Legislature notes that the state has a compelling interest in regulating motor vehicles and motor vehicle drivers. The sale of automobiles not only provides jobs for Floridians, but taxes collected from their sale and use provide revenues to the state. It should also be noted that automobiles also are attractive targets for thieves. Theft of automobiles not only deprives the lawful owners of their property but such theft interferes with the chain of title and causes insurance rates to rise. As a result, the state must collect information about automobile sales, the sellers and buyers, insurance companies, and other businesses. Further, the Legislature notes that automobiles, if used improperly, can cause injury and death to persons in this state. Therefore, the state, must ensure that persons who drive in this state are properly trained, licensed, and insured. As a result, the state must collect personal information regarding persons who drive in this state. The personal information that is contained in motor vehicle records, if readily available for public inspection and copying, could be used to invade the personal privacy of the persons named in the records or it could be used for other purposes, such as solicitation, harassment, stalking, and intimidation. Limiting access to the state's motor vehicle records will protect the privacy of persons who are listed in those records and minimize the opportunity for invading that privacy. Thus, the Legislature finds that such personal information in motor vehicle records should be exempt from the requirements of Article I, s. 24 of the State Constitution. Nevertheless, the Legislature also notes that there are a number of reasons that certain agencies, businesses, and other persons should be granted limited access to exempt personal information contained in motor vehicle records. The Legislature finds that access to this personal information by these governmental and private entities should be continued in a limited, regulated fashion in order to balance the privacy rights of persons named in motor vehicle records with the need for these entities to perform certain important regulatory and economic functions that are important to the health, safety, and welfare of the citizens of the state. Persons named in motor vehicle records may need to be notified of product recalls, advisories, or product monitoring and manufacturers and others need current addresses to contact them. Government agencies, including courts and law enforcement agencies and persons acting on their behalf, may need access to carry out their legislatively assigned functions. Additionally, researchers, investigators, insurance companies, and other businesses and industries often must rely on personal information in motor vehicle records to operate and perform certain business functions. Such information should be available in the normal course

of business by legitimate businesses, their agents, employees, or contractors to verify the accuracy of personal information and to obtain correct information; to prevent fraud; to pursue legal remedies against; or to recover on a debt or security interest. Further, such exempt information should be available for use in connection with any civil, criminal, administrative, or arbitral proceeding for service of process; execution of enforcement of judgments and orders; compliance with an order of any court; by insurers or support organizations in connection with claims for investigation activities, anti-fraud activities, and rating or underwriting; and for providing notice to owners of towed or impounded vehicles. Access to such exempt information should also be provided for investigation in anticipation of litigation or for a filed proceeding, but the Legislature finds that authorizing access to motor vehicle records for these limited purposes should not be construed to permit mass commercial solicitation of clients for litigation against motor vehicle dealers because it would be contrary to the limited access contemplated by the exceptions to the exemption and would further invade the privacy of persons named in these records. Further, researchers, investigators, or insurance companies may need to access the large database of motor vehicle records for use in producing statistical reports, but the Legislature finds that this access should not infringe upon the privacy of the persons named in the records by publishing, redisclosing, or using that information or to contact the named persons. Thus, the Legislature specifically finds that it is a public necessity that personal information in motor vehicle records must be exempt, with the limited exceptions to that exemption authorized herein.

Section 4. This act shall take effect October 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to public records; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information contained in a motor vehicle record; removing the requirement that the exemption be conditioned on a request for exemption by the person who is the subject of the record; revising certain conditions under which the Department of Highway Safety and Motor Vehicles may release information in connection with a legal proceeding; revising conditions for the release of information for bulk distribution use; providing for release of information when the department has obtained consent from the subject of the record; providing that the restrictions on the disclosure of information do not affect the use of organ donor information; providing for future repeal and legislative review; providing legislative finding of public necessity; providing an effective date.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 1753—A bill to be entitled An act relating to public school food service programs; amending s. 1006.06, F.S.; revising provisions relating to the establishment of school food service programs; requiring district school boards to analyze the operational efficiency of school food service programs; requiring a cost accounting report; requiring requests for information relating to private-sector school food services under certain circumstances; requiring district school boards to consider outsourcing food service programs under certain circumstances; providing requirements for outsourcing school food services; requiring reports to the Department of Education and district school boards; amending s. 1010.20 F.S.; requiring the Department of Education to report to the Legislature and the State Board of Education the food service expenditures of each school district and the extent to which the services are self-supporting; amending s. 1010.21, F.S.; defining indirect costs for food service expenditure reporting; providing an effective date.

—was read the second time by title.

Further consideration of **HB 1753** was temporarily postponed under Rule 11.10.

Consideration of **HB 1977** was temporarily postponed under Rule 11.10.

HB 733—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws

of Florida; amending the district's election procedures; clarifying that the power of the district with respect to roadways and roads is not limited to roads shown on the replat of Loxahatchee Groves and clarifying that the levying of assessments by the district is pursuant to chapter 298, Florida Statutes, or this act; eliminating references to other types of assessments; providing a procedure for the dedication of roads to the district; amending the permitting of culverts, other drainage systems, bridges, or culvert crossings; providing procedures when such bridges or culvert crossings restrict the normal conveyance of water within the district's canals; providing that special assessments are not limited to roads and roadways but may be levied for district improvements; providing that the issuance of special assessment bonds are not limited to roads and roadways but may be used for district improvements; providing a limitation on the district's liability for third-party use of district lands, rights-of-way, works, and easements; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 733 CS—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida; amending the district's election procedures; clarifying that the power of the district with respect to roadways and roads is not limited to roads shown on the replat of Loxahatchee Groves and clarifying that the levying of assessments by the district is pursuant to chapter 298, Florida Statutes, or this act; eliminating references to other types of assessments; providing a procedure for the dedication of roads to the district; amending the permitting of culverts, other drainage systems, bridges, or culvert crossings; providing procedures when such bridges or culvert crossings restrict the normal conveyance of water within the district's canals; providing that special assessments are not limited to roads and roadways but may be levied for district improvements; providing that the issuance of special assessment bonds are not limited to roads and roadways but may be used for district improvements; providing an effective date.

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

Session Vote Sequence: 886

Speaker Byrd in the Chair.

Yeas—116

Adams	Bullard	Greenstein	McInvale
Allen	Byrd	Harper	Meadows
Altman	Cantens	Harrell	Mealor
Ambler	Clarke	Harrington	Murman
Anderson	Cretul	Hasner	Murzin
Antone	Culp	Henriquez	Needelman
Arza	Davis, D.	Holloway	Negron
Attkisson	Davis, M.	Homan	Patterson
Ausley	Dean	Jennings	Peterman
Baker	Detert	Johnson	Pickens
Barreiro	Domino	Jordan	Planas
Baxley	Evers	Joyner	Poppell
Bean	Farkas	Justice	Prieguez
Bendross-Mindingall	Fields	Kallinger	Quinones
Bense	Fiorentino	Kendrick	Reagan
Benson	Galvano	Kilmer	Rich
Berfield	Gannon	Kosmas	Richardson
Bilirakis	Garcia	Kottkamp	Ritter
Bogdanoff	Gardiner	Kravitz	Rivera
Bowen	Gelber	Kyle	Robaina
Brandenburg	Gibson, A.	Littlefield	Roberson
Brown	Gibson, H.	Llorente	Ross
Brummer	Goodlette	Machek	Rubio
Brutus	Gottlieb	Mahon	Russell
Bucher	Green	Mayfield	Ryan

Sansom	Smith	Stansel	Waters
Seiler	Sobel	Stargel	Wiles
Simmons	Sorensen	Sullivan	Wishner
Slosberg	Spratt	Vana	Zapata

Nays—None

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

HB 817—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, and amending chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for severability; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 817 CS—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, and amending chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provision of other laws made applicable; repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for severability; providing an effective date.

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

Session Vote Sequence: 887

Speaker Byrd in the Chair.

Yeas—114

Adams	Cretul	Jennings	Poppell
Allen	Culp	Johnson	Prieguez
Altman	Davis, D.	Jordan	Quinones
Ambler	Davis, M.	Joyner	Reagan
Anderson	Dean	Justice	Rich
Arza	Detert	Kallinger	Richardson
Attkisson	Domino	Kendrick	Ritter
Ausley	Evers	Kilmer	Rivera
Baker	Farkas	Kosmas	Robaina
Barreiro	Fields	Kottkamp	Roberson
Baxley	Fiorentino	Kravitz	Ross
Bean	Galvano	Kyle	Rubio
Bendross-Mindingall	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gelber	Machek	Sansom
Berfield	Gibson, A.	Mahon	Seiler
Bilirakis	Gibson, H.	Mayfield	Simmons
Bogdanoff	Goodlette	McInvale	Slosberg
Bowen	Gottlieb	Meadows	Smith
Brandenburg	Green	Mealor	Sobel
Brown	Greenstein	Murman	Sorensen
Brummer	Harper	Murzin	Spratt
Brutus	Harrell	Needelman	Stansel
Bucher	Harrington	Negron	Stargel
Bullard	Hasner	Patterson	Sullivan
Byrd	Henriquez	Peterman	Troutman
Cantens	Holloway	Pickens	Vana
Clarke	Homan	Planas	Waters

Wiles Zapata

Nays—None

Votes after roll call:

Yeas—Antone, Wishner

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

HB 1091—A bill to be entitled An act relating to the City of Weeki Wachee, Hernando County; prohibiting the City of Weeki Wachee from exercising the right of eminent domain; prohibiting the annexation of land; limiting the amount of ad valorem taxes that may be assessed; providing for rules governing municipal elections; transferring responsibility for city finances to the Clerk of the Circuit Court of Hernando County; providing an effective date.

—was read the second time by title.

Representative Russell offered the following:

(Amendment Bar Code: 199817)

Amendment 1 (with title amendment)—Remove lines 24-33 and insert: percent per annum of the taxes levied of the total assessed valuation of the property.

Section 4. All municipal elections in the City of Weeki Wachee shall be conducted and supervised by the supervisor of elections of Hernando County under rules governing general elections in the county.

Remove lines 7-9 and insert: municipal elections; providing an effective date.

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

On motion by Rep. Russell, the rules were waived and HB 1091, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 888

Speaker Byrd in the Chair.

Yeas—117

Adams	Bullard	Greenstein	McInvale
Allen	Byrd	Harper	Meadows
Altman	Cantens	Harrell	Mealor
Ambler	Clarke	Harrington	Murman
Anderson	Cretul	Hasner	Murzin
Antone	Culp	Henriquez	Needelman
Arza	Davis, D.	Holloway	Negron
Attkisson	Davis, M.	Homan	Patterson
Ausley	Dean	Jennings	Peterman
Baker	Detert	Johnson	Pickens
Barreiro	Domino	Jordan	Planas
Baxley	Evers	Joyner	Poppell
Bean	Farkas	Justice	Prieguez
Bendross-Mindingall	Fields	Kallinger	Quinones
Bense	Fiorentino	Kendrick	Reagan
Benson	Galvano	Kilmer	Rich
Berfield	Gannon	Kosmas	Richardson
Bilirakis	Garcia	Kottkamp	Ritter
Bogdanoff	Gardiner	Kravitz	Rivera
Bowen	Gelber	Kyle	Robaina
Brandenburg	Gibson, A.	Littlefield	Roberson
Brown	Gibson, H.	Llorente	Ross
Brummer	Goodlette	Machek	Rubio
Brutus	Gottlieb	Mahon	Russell
Bucher	Green	Mayfield	Ryan

Sansom	Sobel	Sullivan	Wishner
Seiler	Sorensen	Troutman	Zapata
Simmons	Spratt	Vana	
Slosberg	Stansel	Waters	
Smith	Stargel	Wiles	

Nays—None

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

HB 1491—A bill to be entitled An act relating to Broward County; creating the charter of the City of West Park; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a city commission, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and city commission; providing for rules of procedure; providing for a city administrator, city clerk, and city attorney and powers and duties of each; providing restrictions on expenditure of city funds; authorizing establishment of city boards and agencies; providing for commission meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the city; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the city commission, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the city to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for precedence of the provisions of this act over conflicting provisions of other laws; providing for a referendum for the merger of the Town of Pembroke Park into the City of West Park in November 2014; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1491 CS—A bill to be entitled An act relating to Broward County; creating the charter of the City of West Park; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a city commission, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and city commission; providing for rules of procedure; providing for a city administrator, city clerk, and city attorney and powers and duties of each; providing restrictions on expenditure of city funds; authorizing establishment of city boards and agencies; providing for commission meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the city; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election

requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the city commission, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the city to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for the city commission to rename the city under certain circumstances; providing an effective date.

—was read the second time by title.

Representative Gottlieb offered the following:

(Amendment Bar Code: 213737)

Amendment 1—Remove line(s) 1037-1041 and insert:

(10) SHARED REVENUES.—

(a) Broward County shall distribute to the city, from taxes, franchise fees, and ad valorem taxes, revenues collected within the municipal boundaries of the city. This calculation shall be based upon a population projection of 12,750.

(b) It is the intent of this charter that the communication services tax imposed under section 202.19, Florida Statutes, by Broward County, will continue within the city boundaries during the period commencing with the date of incorporation through December 31, 2005. Such revenues from the tax shall be shared by Broward County with the city in proportion to the projected city population of 12,750 compared to the unincorporated population of Broward County before the incorporation.

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

On motion by Rep. Gottlieb, the rules were waived and HB 1491, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 889

Speaker Byrd in the Chair.

Yeas—117

Adams	Cantens	Hasner	Negron
Allen	Clarke	Henriquez	Patterson
Altman	Cretul	Holloway	Peterman
Ambler	Culp	Homan	Pickens
Anderson	Davis, D.	Jennings	Planas
Antone	Davis, M.	Johnson	Poppell
Arza	Dean	Jordan	Prieguez
Attkisson	Detert	Joyner	Quinones
Ausley	Domino	Justice	Reagan
Baker	Evers	Kallinger	Rich
Barreiro	Farkas	Kendrick	Richardson
Baxley	Fields	Kilmer	Ritter
Bean	Fiorentino	Kosmas	Rivera
Bendross-Mindingall	Galvano	Kottkamp	Robaina
Bense	Gannon	Kravitz	Roberson
Benson	Garcia	Kyle	Ross
Berfield	Gardiner	Littlefield	Rubio
Bilirakis	Gelber	Llorente	Russell
Bogdanoff	Gibson, A.	Machek	Ryan
Bowen	Gibson, H.	Mahon	Sansom
Brandenburg	Goodlette	Mayfield	Seiler
Brown	Gottlieb	McInvale	Simmons
Brummer	Green	Meadows	Slosberg
Brutus	Greenstein	Mealor	Smith
Bucher	Harper	Murman	Sobel
Bullard	Harrell	Murzina	Sorensen
Byrd	Harrington	Needelman	Spratt

Stansel	Troutman	Waters	Wishner
Stargel	Vana	Wiles	Zapata
Sullivan			

Nays—None

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

HB 1625—A bill to be entitled An act relating to the Ave Maria Stewardship Community District, Collier County; providing a popular name; creating the Ave Maria Stewardship Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; creating the charter of the District; providing for authority and jurisdiction; creating the District as a special, limited, and single-purpose independent district, an independent local government and corporate body politic, to provide community development infrastructure to the Ave Maria community development in that certain portion of the unincorporated area of the Collier County political subdivision within and subject to the Growth Management Plan and the Rural Lands Stewardship Area Zoning Overlay District in Eastern Collier County; prescribing and fixing the boundaries of the District; providing for election of a Board of Supervisors and terms of office and powers and duties thereof; requiring certain financial reports; providing for disclosure of public financing information; authorizing and providing for the levy and collection of taxes; authorizing special powers relating to water management and control, roads and bridges, and other public facilities; providing for the issuance of bonds and short-term borrowing; providing procedures for competitive procurement of goods, supplies, and materials; providing for enforcement of provisions of the Act and providing penalties for violation thereof; providing for the applicability of provisions of chapter 189, Florida Statutes, and other general laws; providing for severability; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1625 CS—A bill to be entitled An act relating to the Ave Maria Stewardship Community District, Collier County; providing a popular name; creating the Ave Maria Stewardship Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; creating the charter of the District; providing for authority and jurisdiction; creating the District as a special, limited, and single-purpose independent district, an independent local government and corporate body politic, to provide community development infrastructure to the Ave Maria community development in that certain portion of the unincorporated area of the Collier County political subdivision within and subject to the Growth Management Plan and the Rural Lands Stewardship Area Zoning Overlay District in Eastern Collier County; prescribing and fixing the boundaries of the District; providing for election of a Board of Supervisors and terms of office and powers and duties thereof; requiring certain financial reports; providing for disclosure of public financing information; authorizing and providing for the levy and collection of taxes; authorizing special powers relating to water management and control, roads and bridges, and other public facilities; providing for the issuance of bonds and short-term borrowing; providing procedures for competitive procurement of goods, supplies, and materials; providing for enforcement of provisions of the Act and providing penalties for violation thereof; providing for the applicability of provisions of chapter 189, Florida Statutes, and other general laws; providing for severability; providing an effective date.

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

Session Vote Sequence: 890

Speaker Byrd in the Chair.

Yeas—112

Adams	Cretul	Jennings	Quinones
Allen	Culp	Johnson	Reagan
Altman	Davis, D.	Jordan	Rich
Ambler	Davis, M.	Joyner	Richardson
Anderson	Dean	Justice	Ritter
Antone	Detert	Kallinger	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kottkamp	Roberson
Ausley	Farkas	Kravitz	Ross
Baker	Fields	Kyle	Rubio
Barreiro	Fiorentino	Littlefield	Russell
Baxley	Galvano	Llorente	Ryan
Bean	Garcia	Machek	Sansom
Bendross-Mindingall	Gardiner	Mahon	Seiler
Bense	Gelber	Mayfield	Simmons
Benson	Gibson, A.	McInvale	Slosberg
Berfield	Gibson, H.	Meadows	Smith
Bilirakis	Goodlette	Mealor	Sobel
Bogdanoff	Gottlieb	Murman	Sorensen
Bowen	Green	Murzin	Spratt
Brandenburg	Greenstein	Needelman	Stansel
Brown	Harper	Negron	Stargel
Brummer	Harrell	Patterson	Sullivan
Brutus	Harrington	Peterman	Troutman
Bullard	Hasner	Pickens	Vana
Byrd	Henriquez	Planas	Waters
Cantens	Holloway	Poppell	Wishner
Clarke	Homan	Prieguez	Zapata

Nays—5

Bucher	Kendrick	Kosmas	Wiles
Gannon			

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

HB 87 was taken up. On motion by Rep. Kravitz, SB 120 was substituted for HB 87. Under Rule 5.13, the House bill was laid on the table.

SB 120—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; prohibiting the Parole Commission and the Department of Corrections from approving a residence for a releasee which is located within a specified distance of certain places where children congregate; requiring the Department of Corrections to notify each school district within a specified time period of the location of the residence of a sexual offender who is subject to conditional release supervision; prohibiting district school boards from establishing school bus stops within 1,000 feet of the residence of persons prohibited from living within 1,000 feet of a school bus stop; providing that failure of the district to comply with such provision is not a violation by the resident; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; providing an effective date.

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

HB 191—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

The Committee on Appropriations recommended the following:

HB 191 CS—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing an effective date.

—was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 851705)

Amendment 1—Remove lines 66-84 and insert: catastrophically injured as defined in s. 121.091(4) in the line of duty shall be considered totally and permanently disabled and unable to render useful and efficient service as an officer, unless the administrator can provide documented competent medical evidence that the officer is able to render useful and efficient service as an officer. For purposes of this subsection, the term "officer" includes law enforcement officers, correctional officers, and correctional probation officers as defined in s. 943.10(1), (2), and (3) and firefighters, emergency medical technicians, and paramedics.

Section 3. Effective July 1, 2004, in order to fund the benefits provided in s. 121.091, Florida Statutes, as amended by this act:

(1) The contribution rate that applies to the Special Risk Class of the defined benefit program of the Florida Retirement System shall be increased by 0.03 percentage points.

(2) The contribution rate that applies to the Special Risk Administrative Support Class of the defined benefit program of the Florida Retirement System shall be increased by 0.20

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 469—A bill to be entitled An act relating to the documentary stamp tax on promissory or nonnegotiable notes and written obligations to pay money; amending s. 201.08, F.S.; exempting from the tax notes or other written obligations to pay money executed by agriculture producers in this state to the Commodity Credit Corporation and security instruments for such notes and obligations; providing an effective date.

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

Bills and Joint Resolutions on Third Reading

Expedited Local Bills

HB 625—A bill to be entitled An act relating to the Charlotte County Airport Authority; amending chapter 98-508, Laws of Florida; revising and providing definitions; providing for compensation and travel expenses; providing for meetings of the authority; revising powers of the authority; providing for the authority to borrow money, incur debt, and issue bonds; providing for terms of bonds; providing for fixing and collecting rent; providing methods for expending funds; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Allen	Altman	Ambler
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Anderson	Davis, M.	Joyner	Reagan	Gibson, A.	Kallinger	Negron	Ryan
Antone	Dean	Justice	Rich	Gibson, H.	Kendrick	Patterson	Sansom
Arza	Detert	Kallinger	Richardson	Goodlette	Kilmer	Peterman	Seiler
Attkisson	Domino	Kendrick	Ritter	Gottlieb	Kosmas	Pickens	Simmons
Ausley	Evers	Kilmer	Rivera	Green	Kottkamp	Planas	Slosberg
Baker	Farkas	Kosmas	Robaina	Greenstein	Kravitz	Poppell	Smith
Barreiro	Fields	Kottkamp	Roberson	Harper	Kyle	Prieguez	Sobel
Baxley	Fiorentino	Kravitz	Ross	Harrell	Littlefield	Quinones	Sorensen
Bean	Galvano	Kyle	Rubio	Harrington	Llorente	Reagan	Spratt
Bendross-Mindingall	Gannon	Littlefield	Russell	Hasner	Machek	Rich	Stansel
Bense	Garcia	Llorente	Ryan	Henriquez	Mahon	Richardson	Stargel
Benson	Gardiner	Machek	Sansom	Holloway	Mayfield	Ritter	Sullivan
Berfield	Gibson, A.	Mahon	Seiler	Homan	McInvale	Rivera	Troutman
Bilirakis	Gibson, H.	Mayfield	Simmons	Jennings	Meadows	Robaina	Vana
Bogdanoff	Goodlette	McInvale	Slosberg	Johnson	Mealor	Roberson	Waters
Bowen	Gottlieb	Meadows	Smith	Jordan	Murman	Ross	Wiles
Brandenburg	Green	Mealor	Sobel	Joyner	Murzin	Rubio	Wishner
Brown	Greenstein	Murman	Sorensen	Justice	Needelman	Russell	Zapata
Brummer	Harper	Murzin	Spratt				
Brutus	Harrell	Needelman	Stansel				
Bucher	Harrington	Negron	Stargel				
Bullard	Hasner	Patterson	Sullivan				
Byrd	Henriquez	Peterman	Troutman				
Cantens	Holloway	Pickens	Vana				
Clarke	Homan	Planas	Waters				
Cretul	Jennings	Poppell	Wiles				
Culp	Johnson	Prieguez	Wishner				
Davis, D.	Jordan	Quinones	Zapata				

Nays—None

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

HB 711—A bill to be entitled An act relating to the St. Lucie County Erosion District; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; preserving current authority; providing definitions; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of ch. 189, F.S.; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies, and materials shall be entered into as provided by the charter and general law; providing district board authorization to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; providing for severability; repealing chapters 67-2001 and 97-354, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Baxley	Brummer	Dean
Allen	Bean	Brutus	Detert
Altman	Bendross-Mindingall	Bucher	Domino
Ambler	Bense	Bullard	Evers
Anderson	Benson	Byrd	Farkas
Antone	Berfield	Cantens	Fields
Arza	Bilirakis	Clarke	Fiorentino
Attkisson	Bogdanoff	Cretul	Galvano
Ausley	Bowen	Culp	Gannon
Baker	Brandenburg	Davis, D.	Garcia
Barreiro	Brown	Davis, M.	Gardiner

Nays—None

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

HB 883—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing chapter 29222, Laws of Florida, 1953, as amended; codifying special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing duties of constitutional officers in Lake County with respect to the authority; repealing chapter 29222, Laws of Florida, 1953, and chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, 2003-376, Laws of Florida, relating to the district; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Clarke	Homan	Planas
Allen	Cretul	Jennings	Poppell
Altman	Culp	Johnson	Prieguez
Ambler	Davis, D.	Jordan	Quinones
Anderson	Davis, M.	Joyner	Reagan
Antone	Dean	Justice	Rich
Arza	Detert	Kallinger	Richardson
Attkisson	Domino	Kendrick	Ritter
Ausley	Evers	Kilmer	Rivera
Baker	Farkas	Kosmas	Robaina
Barreiro	Fields	Kottkamp	Roberson
Baxley	Fiorentino	Kravitz	Ross
Bean	Galvano	Kyle	Rubio
Bendross-Mindingall	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Machek	Sansom
Berfield	Gibson, A.	Mahon	Seiler
Bilirakis	Gibson, H.	Mayfield	Simmons
Bogdanoff	Goodlette	McInvale	Slosberg
Bowen	Gottlieb	Meadows	Smith
Brandenburg	Green	Mealor	Sobel
Brown	Greenstein	Murman	Sorensen
Brummer	Harper	Murzin	Spratt
Brutus	Harrell	Needelman	Stansel
Bucher	Harrington	Negron	Stargel
Bullard	Hasner	Patterson	Sullivan
Byrd	Henriquez	Peterman	Troutman
Cantens	Holloway	Pickens	Vana

Waters Wiles Wishner Zapata Yeas—116

Nays—None

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

HB 921—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 971—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, to allow certain city employees to become employed by the First Coast Metropolitan Planning Organization and to retain their city pension membership; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1145—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; amending chapter 2000-444, Laws of Florida, relating to the district's powers to issue general obligation bonds, notes, or certificates of indebtedness and to charge and collect impact fees on new construction within the district in order to be consistent with the amended provisions of this act, chapter 189 or chapter 191, Florida Statutes, or other applicable law; providing for liberal construction; providing for severability; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Bilirakis	Detert	Harrell
Allen	Bogdanoff	Domino	Harrington
Altman	Bowen	Evers	Hasner
Ambler	Brandenburg	Farkas	Henriquez
Anderson	Brown	Fields	Holloway
Antone	Brummer	Fiorentino	Homan
Arza	Brutus	Galvano	Jennings
Attkisson	Bucher	Gannon	Johnson
Ausley	Bullard	Garcia	Jordan
Baker	Byrd	Gardiner	Joyner
Barreiro	Cantens	Gibson, A.	Justice
Baxley	Clarke	Gibson, H.	Kallinger
Bean	Cretul	Goodlette	Kendrick
Bendross-Mindingall	Culp	Gottlieb	Kilmer
Bense	Davis, D.	Green	Kosmas
Benson	Davis, M.	Greenstein	Kottkamp
Berfield	Dean	Harper	Kravitz

Kyle	Negron	Rivera	Sobel
Littlefield	Patterson	Robaina	Sorensen
Llorente	Peterman	Roberson	Spratt
Machek	Pickens	Ross	Stansel
Mahon	Planas	Rubio	Stargel
Mayfield	Poppell	Russell	Sullivan
McInvale	Prieguez	Ryan	Troutman
Meadows	Quinones	Sansom	Vana
Mealor	Reagan	Seiler	Waters
Murman	Rich	Simmons	Wiles
Murzin	Richardson	Slosberg	Wishner
Needelman	Ritter	Smith	Zapata

Nays—None

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

HB 1151—A bill to be entitled An act relating to the City of Melbourne, Brevard County; extending and enlarging the corporate limits of the City of Melbourne to include specified unincorporated lands within said corporate limits; providing for the transfer of certain roads; providing for the application of municipal powers over the land annexed; providing that the annexation shall not abrogate certain contracts; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1483—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; amending the boundaries of the district; increasing the amount for

disbursements of district funds that must be made pursuant to warrant or check; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1577—A bill to be entitled An act relating to Monroe County; amending chapter 2002-337, Laws of Florida, as amended; providing conditions for use of certain funds by the Key Largo Wastewater Treatment District; revising provisions relating to vacancies on the governing board; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Baxley	Brummer	Dean
Allen	Bean	Brutus	Detert
Altman	Bendross-Mindingall	Bucher	Domino
Ambler	Bense	Bullard	Evers
Anderson	Benson	Byrd	Farkas
Antone	Berfield	Cantens	Fields
Arza	Bilirakis	Clarke	Fiorentino
Attkisson	Bogdanoff	Cretul	Galvano
Ausley	Bowen	Culp	Gannon
Baker	Brandenburg	Davis, D.	Garcia
Barreiro	Brown	Davis, M.	Gardiner

Gibson, A.	Kallinger	Negron	Ryan
Gibson, H.	Kendrick	Patterson	Sansom
Goodlette	Kilmer	Peterman	Seiler
Gottlieb	Kosmas	Pickens	Simmons
Green	Kottkamp	Planas	Slosberg
Greenstein	Kravitz	Poppell	Smith
Harper	Kyle	Prieguez	Sobel
Harrell	Littlefield	Quinones	Sorensen
Harrington	Llorente	Reagan	Spratt
Hasner	Machek	Rich	Stansel
Henriquez	Mahon	Richardson	Stargel
Holloway	Mayfield	Ritter	Sullivan
Homan	McInvale	Rivera	Troutman
Jennings	Meadows	Robaina	Vana
Johnson	Mealor	Roberson	Waters
Jordan	Murman	Ross	Wiles
Joyner	Murzin	Rubio	Wishner
Justice	Needelman	Russell	Zapata

Nays—None

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

HB 1599—A bill to be entitled An act relating to the Highlands County Hospital District; codifying, pursuant to s. 189.429, F.S., special laws relating to the Highlands County Hospital District; codifying, reenacting, amending, and repealing chapters 61-2232, 72-553, 74-487, 78-519, 80-506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of Florida; fixing and prescribing boundaries of the district; providing for its governing and administration; providing and defining powers and purposes of the district and its board of commissioners; authorizing the board to establish, contract for, lease, operate, and maintain any hospital it has established in the district; authorizing and providing for issuance and sale of district bonds; authorizing the board to borrow money and give notes therefor; authorizing and providing for levy and collection of taxes for payment of bonds and notes and interest thereon; providing for exercise of the power of eminent domain; authorizing establishment of hospital staff and a nursing school; providing for liability insurance; providing construction; providing severability; providing for the issuance of revenue bonds; authorizing the transfer of certain funds and limiting the uses thereof; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Brown	Garcia	Kendrick
Allen	Brummer	Gardiner	Kilmer
Altman	Brutus	Gibson, A.	Kosmas
Ambler	Bucher	Gibson, H.	Kottkamp
Anderson	Bullard	Goodlette	Kravitz
Antone	Byrd	Gottlieb	Kyle
Arza	Cantens	Green	Littlefield
Attkisson	Clarke	Greenstein	Llorente
Ausley	Cretul	Harper	Machek
Baker	Culp	Harrell	Mahon
Barreiro	Davis, D.	Harrington	Mayfield
Baxley	Davis, M.	Hasner	McInvale
Bean	Dean	Henriquez	Meadows
Bendross-Mindingall	Detert	Holloway	Mealor
Bense	Domino	Homan	Murman
Benson	Evers	Jennings	Murzin
Berfield	Farkas	Johnson	Needelman
Bilirakis	Fields	Jordan	Negron
Bogdanoff	Fiorentino	Joyner	Patterson
Bowen	Galvano	Justice	Peterman
Brandenburg	Gannon	Kallinger	Pickens

Planas	Rivera	Seiler	Stargel
Poppell	Robaina	Simmons	Sullivan
Prieguez	Roberson	Slosberg	Troutman
Quinones	Ross	Smith	Vana
Reagan	Rubio	Sobel	Waters
Rich	Russell	Sorensen	Wiles
Richardson	Ryan	Spratt	Wishner
Ritter	Sansom	Stansel	Zapata

Nays—None

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

HB 1609—A bill to be entitled An act relating to the North Lake County Hospital District, Lake County; amending chapter 2002-348, Laws of Florida; providing for payment of tax proceeds to designees of the Florida Hospital Waterman, Inc., and Leesburg Regional Medical Center, Inc., under specified circumstances; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 601—A bill to be entitled An act relating to Palm Beach County; amending chapter 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising the definition of "career service employee" and providing restrictions for reduction in rank of certain employees; providing applicability; specifying rights of such employees; revising procedures for appeal of disciplinary actions and complaints against employees; revising provisions for the appointment of boards to hear appeals and procedures with respect thereto;

revising provisions relating to monetary emoluments based on performance; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 629—A bill to be entitled An act relating to the Daytona Beach Downtown Development Authority, Volusia County; codifying, amending, reenacting, and repealing the authority's special acts; providing a popular name; providing definitions; providing legislative findings; providing boundaries; providing for supervision, appointment, removal, terms, qualifications, compensation, and filling of vacancies on the authority; providing for functions and powers of the authority; providing for ad valorem taxation; providing for board records and fiscal management; providing for issuance of certificates; providing for elections; providing for millage limitations; providing for special assessments; providing for liberal construction; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Anderson	Ausley	Bean
Allen	Antone	Baker	Bendross-Mindingall
Altman	Arza	Barreiro	Bense
Ambler	Attkisson	Baxley	Benson

Berfield	Gannon	Kottkamp	Ritter
Bilirakis	Garcia	Kravitz	Rivera
Bogdanoff	Gardiner	Kyle	Robaina
Bowen	Gibson, A.	Littlefield	Roberson
Brandenburg	Gibson, H.	Llorente	Ross
Brown	Goodlette	Machek	Rubio
Brummer	Gottlieb	Mahon	Russell
Brutus	Green	Mayfield	Ryan
Bucher	Greenstein	McInvale	Sansom
Bullard	Harper	Meadows	Seiler
Byrd	Harrell	Mealor	Simmons
Cantens	Harrington	Murman	Slosberg
Clarke	Hasner	Murzin	Smith
Cretul	Henriquez	Needelman	Sobel
Culp	Holloway	Negron	Sorensen
Davis, D.	Homan	Patterson	Spratt
Davis, M.	Jennings	Peterman	Stansel
Dean	Johnson	Pickens	Stargel
Detert	Jordan	Planas	Sullivan
Domino	Joyner	Poppell	Troutman
Evers	Justice	Prieguez	Vana
Farkas	Kallinger	Quinones	Waters
Fields	Kendrick	Reagan	Wiles
Fiorentino	Kilmer	Rich	Wishner
Galvano	Kosmas	Richardson	Zapata

Nays—None

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

HB 771—A bill to be entitled An act relating to Columbia County; providing for career service for members of the Columbia County Sheriff's Office; providing for application of the act, career status of members, and administration; providing for a procedure with respect to complaints against members; providing for appeals; providing for certain protections during the transition of a new Sheriff; providing for a Career Service Appeal Board; providing for status as career members; prohibiting certain actions to circumvent the act; providing for exclusions; providing severability; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Brown	Garcia	Kendrick
Allen	Brummer	Gardiner	Kilmer
Altman	Brutus	Gibson, A.	Kosmas
Ambler	Bucher	Gibson, H.	Kottkamp
Anderson	Bullard	Goodlette	Kravitz
Antone	Byrd	Gottlieb	Kyle
Arza	Cantens	Green	Littlefield
Attkisson	Clarke	Greenstein	Llorente
Ausley	Cretul	Harper	Machek
Baker	Culp	Harrell	Mahon
Barreiro	Davis, D.	Harrington	Mayfield
Baxley	Davis, M.	Hasner	McInvale
Bean	Dean	Henriquez	Meadows
Bendross-Mindingall	Detert	Holloway	Mealor
Bense	Domino	Homan	Murman
Benson	Evers	Jennings	Murzin
Berfield	Farkas	Johnson	Needelman
Bilirakis	Fields	Jordan	Negron
Bogdanoff	Fiorentino	Joyner	Patterson
Bowen	Galvano	Justice	Peterman
Brandenburg	Gannon	Kallinger	Pickens

Planas	Rivera	Seiler	Stargel
Poppell	Robaina	Simmons	Sullivan
Prieguez	Roberson	Slosberg	Troutman
Quinones	Ross	Smith	Vana
Reagan	Rubio	Sobel	Waters
Rich	Russell	Sorensen	Wiles
Richardson	Ryan	Spratt	Wishner
Ritter	Sansom	Stansel	Zapata

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

Nays—None

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

HB 961—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; revising provisions relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the definition of pensionable earnings to include up to 300 hours per year of overtime and any other payments required to be included under chapters 175 and 185, Florida Statutes; revising the medical examination requirements for membership; providing for an increase in the accrual of benefits from 2.5 percent to 3.15 percent; providing for a minimum benefit for retirees; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing for the execution of certain supplemental contract provisions by a date certain or forever barring the receipt of the benefits therein provided; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

HB 1023—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559 (1945), Laws of Florida, as amended; revising provisions relating to the pension fund for general employees of the City of Tampa; clarifying covered employees; revising the definition of "average monthly salary," "pension credit," and "normal retirement date" to provide for 6-year vesting; revising deferred pension, early retirement, and disability retirement provisions to provide for 6-year vesting; providing additional cost-of-living adjustments; revising benefits provisions regarding reemployment after termination to provide for 6-year vesting; providing for 6-year vesting for elective officers, department heads, and appointive officers; revising the eligibility requirements for the Deferred Retirement Option Program to provide for 6-year vesting; adding a provision regarding limitations on amounts of benefits; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1381—A bill to be entitled An act relating to the Englewood Water District, Charlotte and Sarasota Counties; codifying, amending, reenacting, and repealing the district's special acts; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; providing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems;

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the Englewood Water District; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1401—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended by chapters 76-336, 77-507, and 81-349, Laws of Florida; revising provisions relating to the governing of municipal elections in Broward County; specifying the dates on which municipal candidates shall file qualification papers and pay certain fees with respect to certain elections; revising provisions relating to the dates on which municipal primary and general elections shall be held; authorizing municipalities to extend or reduce terms of office for certain purposes; authorizing the governing body of each municipality to change the date of its municipal elections by ordinance, subject to approval by referendum; requiring the supervisor of elections to provide to each municipality a schedule of fees and charges for all municipal election services for the following calendar year by a time certain; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1411—A bill to be entitled An act relating to the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes, Broward County; clarifying and delineating the corporate limits of the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes to include specified lands within said corporate limits; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Benson	Culp	Gibson, H.
Allen	Berfield	Davis, D.	Goodlette
Altman	Bilirakis	Davis, M.	Gottlieb
Ambler	Bogdanoff	Dean	Green
Anderson	Bowen	Detert	Greenstein
Antone	Brandenburg	Domino	Harper
Arza	Brown	Evers	Harrell
Attkisson	Brummer	Farkas	Harrington
Ausley	Brutus	Fields	Hasner
Baker	Bucher	Fiorentino	Henriquez
Barreiro	Bullard	Galvano	Holloway
Baxley	Byrd	Gannon	Homan
Bean	Cantens	Garcia	Jennings
Bendross-Mindingall	Clarke	Gardiner	Johnson
Bense	Cretul	Gibson, A.	Jordan

Joyner	McInvale	Reagan	Slosberg
Justice	Meadows	Rich	Smith
Kallinger	Mealor	Richardson	Sobel
Kendrick	Murman	Ritter	Sorensen
Kilmer	Murzin	Rivera	Spratt
Kosmas	Needelman	Robaina	Stansel
Kottkamp	Negron	Roberson	Stargel
Kravitz	Patterson	Ross	Sullivan
Kyle	Peterman	Rubio	Troutman
Littlefield	Pickens	Russell	Vana
Llorente	Planas	Ryan	Waters
Machek	Poppell	Sansom	Wiles
Mahon	Prieguez	Seiler	Wishner
Mayfield	Quinones	Simmons	Zapata

Nays—None

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

HB 1413—A bill to be entitled An act relating to the City of Weston, Broward County; extending and enlarging the corporate limits of the City of Weston to include specified unincorporated lands within said corporate limits; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1415—A bill to be entitled An act relating to Broward County; providing for deannexation of certain lands from the City of Cooper City;

providing for annexation of certain lands into the Town of Southwest Ranches; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1545—A bill to be entitled An act relating to Monroe County; amending chapter 99-395, Laws of Florida, as amended; revising provisions relating to interim construction standards for new, expanded, or existing onsite sewage treatment and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Baxley	Brummer	Dean
Allen	Bean	Brutus	Detert
Altman	Bendross-Mindingall	Bucher	Domino
Ambler	Bense	Bullard	Evers
Anderson	Benson	Byrd	Farkas
Antone	Berfield	Cantens	Fields
Arza	Bilirakis	Clarke	Fiorentino
Attkisson	Bogdanoff	Cretul	Galvano
Ausley	Bowen	Culp	Gannon
Baker	Brandenburg	Davis, D.	Garcia
Barreiro	Brown	Davis, M.	Gardiner

Gibson, A.	Kallinger	Negron	Ryan
Gibson, H.	Kendrick	Patterson	Sansom
Goodlette	Kilmer	Peterman	Seiler
Gottlieb	Kosmas	Pickens	Simmons
Green	Kottkamp	Planas	Slosberg
Greenstein	Kravitz	Poppell	Smith
Harper	Kyle	Prieguez	Sobel
Harrell	Littlefield	Quinones	Sorensen
Harrington	Llorente	Reagan	Spratt
Hasner	Machek	Rich	Stansel
Henriquez	Mahon	Richardson	Stargel
Holloway	Mayfield	Ritter	Sullivan
Homan	McInvale	Rivera	Troutman
Jennings	Meadows	Robaina	Vana
Johnson	Mealor	Roberson	Waters
Jordan	Murman	Ross	Wiles
Joyner	Murzin	Rubio	Wishner
Justice	Needelman	Russell	Zapata

Nays—None

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

HB 1607—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida; providing for the number of supervisors of the district; providing single-member zones; providing the method of election of supervisors; providing the qualifications of supervisors; providing the term of office for supervisors; providing that the officers of the district shall be members of the board of supervisors; providing for the limitation of supervisors' benefits; deleting obsolete provisions; providing severability; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1669—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing purpose; authorizing purchases of goods and services by the county and other public bodies operating in the county under bids submitted to other federal, state, and local governmental entities; providing conditions; providing an exemption; providing construction; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1671—A bill to be entitled An act relating to Palm Beach County; amending chapter 2000-467, Laws of Florida, relating to Northern Palm Beach County Improvement District; amending the boundaries of the district to include additional lands; amending chapter 2001-313, Laws of Florida, relating to South Indian River Water Control District, by amending the boundaries of the district to delete lands; providing for an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

HB 1675—A bill to be entitled An act relating to the Boca Raton Airport Authority; providing for a codified charter for the Boca Raton Airport Authority; creating the Boca Raton Airport Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for reimbursement of travel expenses; providing for budgets; providing for transfer of funds; providing for an airport manager; defining the relationship between the authority, the City of Boca Raton, Palm Beach County, and the State of Florida; providing for continued vesting of title to the land comprising the Boca Raton Airport in the Board of Trustees of the Internal Improvement Trust Fund; providing the authority is liable for certain obligations and damages; declaring the authority to be an agency of the state; repealing chapters 82-259, 83-371, 91-381, and 99-421, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Bense	Clarke	Garcia
Allen	Benson	Cretul	Gardiner
Altman	Berfield	Culp	Gibson, A.
Ambler	Bilirakis	Davis, D.	Gibson, H.
Anderson	Bogdanoff	Davis, M.	Goodlette
Antone	Bowen	Dean	Gottlieb
Arza	Brandenburg	Detert	Green
Attkisson	Brown	Domino	Greenstein
Ausley	Brummer	Evers	Harper
Baker	Brutus	Farkas	Harrell
Barreiro	Bucher	Fields	Harrington
Baxley	Bullard	Fiorentino	Hasner
Bean	Byrd	Galvano	Henriquez
Bendross-Mindingall	Cantens	Gannon	Holloway

Homan	Machek	Prieguez	Simmons
Jennings	Mahon	Quinones	Slosberg
Johnson	Mayfield	Reagan	Smith
Jordan	McInvale	Rich	Sobel
Joyner	Meadows	Richardson	Sorensen
Justice	Mealor	Ritter	Spratt
Kallinger	Murman	Rivera	Stansel
Kendrick	Murzin	Robaina	Stargel
Kilmer	Needelman	Roberson	Sullivan
Kosmas	Negron	Ross	Troutman
Kottkamp	Patterson	Rubio	Vana
Kravitz	Peterman	Russell	Waters
Kyle	Pickens	Ryan	Wiles
Littlefield	Planas	Sansom	Wishner
Llorente	Poppell	Seiler	Zapata

Nays—None

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

HB 1747—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; increasing the amount for which the Canaveral Port Authority may encumber personal properties and facilities of the authority; increasing the amount for which contracts for construction, improvement, repair, or building may be entered into or goods, supplies, or materials may be purchased by the district or authority; conforming a required electors' signature provision; providing an effective date.

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

Session Vote Sequence: 891

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Davis, M.	Justice	Richardson
Anderson	Dean	Kallinger	Ritter
Antone	Detert	Kendrick	Rivera
Arza	Domino	Kilmer	Robaina
Attkisson	Evers	Kosmas	Roberson
Ausley	Farkas	Kottkamp	Ross
Baker	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Galvano	Littlefield	Ryan
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Garcia	Machek	Seiler
Bense	Gardiner	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

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

Special Orders

HB 749—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; establishing a special risk pension fund and an additional funding source for pension benefits for correctional officers of the Office of the Sheriff; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 749 CS—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; establishing a Correctional Officers Pension Fund within the City of Jacksonville's 1937 General Employee's Pension Fund and an additional funding source for pension benefits for correctional officers of the Office of the Sheriff; providing an effective date.

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

Session Vote Sequence: 892

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Johnson	Quinones
Allen	Culp	Jordan	Reagan
Altman	Davis, D.	Joyner	Rich
Ambler	Dean	Justice	Richardson
Anderson	Detert	Kallinger	Ritter
Antone	Domino	Kendrick	Rivera
Arza	Evers	Kilmer	Robaina
Attkisson	Farkas	Kosmas	Roberson
Ausley	Fields	Kottkamp	Ross
Baker	Fiorentino	Kravitz	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Garcia	Llorente	Sansom
Bendross-Mindingall	Gardiner	Machek	Seiler
Bense	Gelber	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Brutus	Harrington	Patterson	Troutman
Bucher	Hasner	Peterman	Vana
Bullard	Henriquez	Pickens	Waters
Byrd	Holloway	Planas	Wiles
Cantens	Homan	Poppell	Wishner
Clarke	Jennings	Prieguez	Zapata

Nays—None

Votes after roll call:

Yeas—M. Davis

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

HB 823—A bill to be entitled An act relating to the Lakeland Downtown Development Authority; codifying, amending, repealing, and reenacting special acts relating to the Lakeland Downtown Development Authority, an

independent special district; providing definitions; providing a statement of policy; providing a method of defining the downtown area; creating a board to be known as the Lakeland Downtown Development Authority; providing for composition of the board; providing for appointment, term of office, compensation, bonding, and liability of the members of the board; providing for filling vacancies in office; providing for bylaws and internal governance of the board; prescribing the functions and powers of the board; providing for Polk County to levy an ad valorem tax of not more than 2 mills; providing for records and fiscal management; providing for issuing revenue certificates; providing for succession by the city if the board ceases to exist or operate; providing for referenda; prescribing the scope of this act; providing for liberal construction; repealing chapters 77-588 and 78-549, Laws of Florida; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 823 CS—A bill to be entitled An act relating to the Lakeland Downtown Development Authority; codifying, amending, repealing, and reenacting special acts relating to the Lakeland Downtown Development Authority, an independent special district; providing definitions; providing a statement of policy; providing a method of defining the downtown area; creating a board to be known as the Lakeland Downtown Development Authority; providing for composition of the board; providing for appointment, term of office, compensation, bonding, and liability of the members of the board; providing for filling vacancies in office; providing for bylaws and internal governance of the board; prescribing the functions and powers of the board; providing for Polk County to levy an ad valorem tax of not more than 2 mills; providing for records and fiscal management; providing for issuing revenue certificates; providing for succession by the city if the board ceases to exist or operate; providing for referenda; prescribing the scope of this act; providing for liberal construction; repealing chapters 77-588 and 78-549, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 893

Speaker Byrd in the Chair.

Yeas—115

Adams	Cantens	Hasner	Needelman
Allen	Clarke	Henriquez	Negron
Altman	Cretul	Holloway	Patterson
Ambler	Culp	Homan	Peterman
Anderson	Davis, D.	Jennings	Pickens
Antone	Davis, M.	Johnson	Planas
Arza	Dean	Jordan	Poppell
Attkisson	Detert	Joyner	Prieguez
Ausley	Domino	Justice	Quinones
Baker	Evers	Kallinger	Reagan
Barreiro	Farkas	Kendrick	Rich
Baxley	Fields	Kilmer	Richardson
Bean	Fiorentino	Kosmas	Ritter
Bendross-Mindingall	Galvano	Kottkamp	Rivera
Benson	Gannon	Kravitz	Robaina
Berfield	Garcia	Kyle	Roberson
Bilirakis	Gardiner	Littlefield	Ross
Bogdanoff	Gibson, A.	Llorente	Rubio
Bowen	Gibson, H.	Machek	Russell
Brandenburg	Goodlette	Mahon	Ryan
Brown	Gottlieb	Mayfield	Sansom
Brummer	Green	McInvale	Seiler
Brutus	Greenstein	Meadows	Simmons
Bucher	Harper	Mealor	Slosberg
Bullard	Harrell	Murman	Smith
Byrd	Harrington	Murzin	Sobel

Sorensen	Stargel	Vana	Wishner
Spratt	Sullivan	Waters	Zapata
Stansel	Troutman	Wiles	

after engrossment.

Nays—None

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

HB 831—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Ryan Besancon, a minor, by and through his parents and natural guardians, Mark and Laurie Besancon, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

The Committee on Judiciary recommended the following:

HB 831 CS—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Ryan Besancon, a minor, by and through his parents and natural guardians, Mark and Laurie Besancon, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for restrictions on the expenditure of funds; providing an effective date.

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

Session Vote Sequence: 894

Speaker Byrd in the Chair.

Yeas—115

Adams	Culp	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	Davis, M.	Joyner	Rich
Ambler	Dean	Justice	Richardson
Anderson	Detert	Kallinger	Ritter
Antone	Domino	Kendrick	Rivera
Arza	Evers	Kilmer	Robaina
Attkisson	Farkas	Kosmas	Roberson
Ausley	Fields	Kottkamp	Ross
Baker	Fiorentino	Kravitz	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Garcia	Llorente	Sansom
Bendross-Mindingall	Gardiner	Machek	Seiler
Bense	Gelber	Mahon	Simmons
Benson	Gibson, A.	Mayfield	Slosberg
Berfield	Gibson, H.	McInvale	Smith
Bilirakis	Goodlette	Meadows	Sobel
Bogdanoff	Gottlieb	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brandenburg	Greenstein	Murzin	Stansel
Brown	Harper	Needelman	Stargel
Brummer	Harrell	Negron	Sullivan
Bucher	Harrington	Patterson	Troutman
Bullard	Hasner	Peterman	Vana
Byrd	Henriquez	Pickens	Waters
Cantens	Holloway	Planas	Wiles
Clarke	Homan	Poppell	Wishner
Cretul	Jennings	Prieguez	

Nays—None

Votes after roll call:

Yeas—Zapata

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

HB 833—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Amanda Johnson, a minor, by and through Virginia Johnson and Charles Johnson, her parents and natural guardians; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for attorney's fees and costs; providing an effective date.

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

Session Vote Sequence: 895

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Bucher	Harrington	Peterman	Waters
Bullard	Hasner	Pickens	Wiles
Byrd	Henriquez	Planas	Wishner
Cantens	Holloway	Poppell	Zapata
Clarke	Homan	Prieguez	
Cretul	Jennings	Quinones	
	Johnson	Reagan	

Nays—None

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

HB 835—A bill to be entitled An act relating to Indian River County; providing for the relief of Debra Smith, Pamela Hughes, Michael Truitt, and Charles Hughes; authorizing and directing the Indian River County School Board to compensate them for the death of their father, Sammie Lee Hughes, due to the negligence of the school board; providing for payment of attorney's fees and costs; providing an effective date.

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

Session Vote Sequence: 896

Speaker Byrd in the Chair.

Yeas—114

Adams	Cretul	Johnson	Reagan
Allen	Culp	Jordan	Rich
Altman	Davis, D.	Joyner	Richardson
Ambler	Davis, M.	Justice	Ritter
Anderson	Dean	Kallinger	Rivera
Antone	Detert	Kendrick	Robaina
Arza	Domino	Kilmer	Roberson
Attkisson	Evers	Kosmas	Ross
Ausley	Farkas	Kottkamp	Rubio
Baker	Fields	Kravitz	Russell
Barreiro	Fiorentino	Kyle	Ryan
Baxley	Galvano	Littlefield	Sansom
Bean	Gannon	Llorente	Seiler
Bendross-Mindingall	Garcia	Machek	Simmons
Bense	Gardiner	Mahon	Slosberg
Benson	Gelber	Mayfield	Smith
Berfield	Gibson, A.	McInvale	Sobel
Bilirakis	Gibson, H.	Meadows	Sorensen
Bogdanoff	Goodlette	Mealor	Spratt
Bowen	Gottlieb	Murzin	Stargel
Brandenburg	Green	Needelman	Sullivan
Brown	Greenstein	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	

Nays—None

Votes after roll call:

Yeas—Harper, Murman

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

HB 1449—A bill to be entitled An act relating to the DeSoto County Hospital District; codifying special laws relating to DeSoto County Hospital District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, repealing, amending, and reenacting chapters 65-1450, 69-1011, 71-605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing a district charter; providing taxation authority subject to voter approval; providing for ratification of prior acts; providing for liberal construction; providing severability; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1449 CS—A bill to be entitled An act relating to the DeSoto County Hospital District; codifying special laws relating to DeSoto County Hospital District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, repealing, amending, and reenacting chapters 65-1450, 69-1011, 71-605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing a district charter; providing an effective date.

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

Session Vote Sequence: 897

Speaker Byrd in the Chair.

Yeas—116

Adams	Cretul	Jennings	Prieguez
Allen	Culp	Johnson	Quinones
Altman	Davis, D.	Jordan	Reagan
Ambler	Davis, M.	Joyner	Rich
Anderson	Dean	Justice	Richardson
Antone	Detert	Kallinger	Ritter
Arza	Domino	Kendrick	Rivera
Attkisson	Evers	Kilmer	Robaina
Ausley	Farkas	Kosmas	Roberson
Baker	Fields	Kottkamp	Ross
Barreiro	Fiorentino	Kravitz	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mahon	Simmons
Berfield	Gibson, A.	Mayfield	Slosberg
Bilirakis	Gibson, H.	McInvale	Sobel
Bogdanoff	Goodlette	Meadows	Sorensen
Bowen	Gottlieb	Mealor	Spratt
Brandenburg	Green	Murman	Stansel
Brown	Greenstein	Murzin	Stargel
Brummer	Harper	Needelman	Sullivan
Brutus	Harrell	Negron	Troutman
Bucher	Harrington	Patterson	Vana
Bullard	Hasner	Peterman	Waters
Byrd	Henriquez	Pickens	Wiles
Cantens	Holloway	Planas	Wishner
Clarke	Homan	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Smith

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

HB 1645—A bill to be entitled An act relating to Holley-Navarre Fire District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers, duties, and responsibilities; preserving the authority to levy ad valorem taxes and non-ad valorem assessments; providing powers and authorities; providing for a non-ad valorem assessment schedule; specifying limitations; providing for liens; providing for authority to disburse funds; authorizing district to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter contracts, and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction, effect, conflict, and repeal of all prior special acts; providing an effective date.

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

Session Vote Sequence: 898

Speaker Byrd in the Chair.

Yeas—117

Adams	Allen	Altman	Ambler
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Anderson	Dean	Justice	Richardson
Antone	Detert	Kallinger	Ritter
Arza	Domino	Kendrick	Rivera
Attkisson	Evers	Kilmer	Robaina
Ausley	Farkas	Kosmas	Roberson
Baker	Fields	Kottkamp	Ross
Barreiro	Fiorentino	Kravitz	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mahon	Simmons
Berfield	Gibson, A.	Mayfield	Slosberg
Bilirakis	Gibson, H.	McInvale	Smith
Bogdanoff	Goodlette	Meadows	Sobel
Bowen	Gottlieb	Mealor	Sorensen
Brandenburg	Green	Murman	Spratt
Brown	Greenstein	Murzin	Stansel
Brummer	Harper	Needelman	Stargel
Brutus	Harrell	Negron	Sullivan
Bucher	Harrington	Patterson	Troutman
Bullard	Hasner	Peterman	Vana
Byrd	Henriquez	Pickens	Waters
Cantens	Holloway	Planas	Wiles
Clarke	Homan	Poppell	Wishner
Cretul	Jennings	Prieguez	Zapata
Culp	Johnson	Quinones	
Davis, D.	Jordan	Reagan	
Davis, M.	Joyner	Rich	

Nays—None

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

HB 1453—A bill to be entitled An act relating to the North Sumter County Hospital District; providing a popular name; providing district purpose; providing district boundaries; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; authorizing the board to levy and collect an annual ad valorem tax upon taxable property within the district; providing for a referendum; providing for purpose of the tax; providing for a method for such levy; providing for an annual report; providing for financial disclosure; providing for liens and foreclosure of liens; providing for severability; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1453 CS—A bill to be entitled An act relating to the North Sumter County Hospital District; providing a popular name; providing district purpose; providing district boundaries; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; authorizing the board to levy and collect an annual ad valorem tax upon taxable property within the district; providing for a referendum; providing for purpose of the tax; providing for a method for such levy; providing for an annual report; providing for financial disclosure; providing for liens and foreclosure of liens; providing for severability; providing an effective date.

—was read the second time by title.

Representative H. Gibson offered the following:

(Amendment Bar Code: 068365)

Amendment 1—Remove line(s) 93 and insert:
law. The trustees must reside within the North Sumter County Hospital District as defined in section 1. Each trustee

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

adopted.

Representative H. Gibson offered the following:

(Amendment Bar Code: 278183)

Amendment 2—Remove line(s) 171-184 and insert:

(4) TAX PROCEEDS TO BE USED TO CONTRACT WITH HOSPITALS FOR HEALTH CARE SERVICES.--All future tax proceeds generated from within the North Sumter County Hospital District, less the amount reserved annually by the board, in its discretion, to pay for the maintenance and services of the board, shall be used to contract for health care services with any hospital within the North Sumter County Hospital District licensed pursuant to chapter 395, Florida Statutes. The North Sumter County Hospital District may also contract with any foundation associated with such hospital, provided, however, that any such foundation shall not receive more than 20 percent of any funds made available by the board to use for contracting for health care services.

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

On motion by Rep. H. Gibson, the rules were waived and HB 1453, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Amblor	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1647—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the airport authority

known as the Jacksonville Airport Authority which was established effective October 1, 2001 pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate airport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure, providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate airport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to airport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; amending chapter 92-341 Laws of Florida, to renumber sections therein providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1647 CS—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the airport authority known as the Jacksonville Airport Authority, which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate airport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure, providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer, effective October 1, 2001, of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate airport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to airport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title.

Representative D. Davis offered the following:

(Amendment Bar Code: 480049)

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

Section 1. Section 1. Creation of Jacksonville Airport Authority.--

(1) The charter provisions concerning the airport operations of the former Jacksonville Port Authority established pursuant to Chapter 2001-319, Laws of Florida, as amended, are hereby amended and restated in their entirety to read as follows: There is hereby created and established as of October 1, 2001, a separate body politic and corporate to be known as the Jacksonville Airport Authority and hereinafter referred to singly as the "authority," which is created as an agency and political subdivision of the State of Florida in the nature of counties and not municipalities. This authority is authorized to exercise its jurisdiction, powers, and duties within the geographic area defined by the boundary lines of Duval County as established by section 7.16, Florida Statutes, which boundary lines also define the geographic area of the City of Jacksonville, and outside such boundary lines as hereinafter provided. The Jacksonville Airport Authority shall operate, manage, and control all of the publicly owned airports and ancillary facilities located within Duval County and outside such boundary lines as hereinafter provided. The authority was separated from the former Jacksonville Port Authority pursuant to 2001-319,

Laws of Florida, as amended, and this separation shall be reviewed for performance and efficiency after a period of 4 years from October 1, 2001.

(2) The governing body for the Jacksonville Airport Authority shall consist of seven members, three of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and four of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. Members shall serve for terms of 4 years commencing on October 1 of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1. Members of the authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on the authority until their death, resignation, removal, or until their respective successors are appointed and confirmed. A vacancy occurring during the term of an appointed member on the authority shall be filled only for the balance of the unexpired term. Any member appointed to the authority for two consecutive full terms shall not be eligible for appointment to the authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to the authority shall serve in staggered terms to provide continuity of experience to the authority with two gubernatorial appointments and two mayoral appointments being for initial 2-year terms, which shall count as a full term for purposes of term limits provided herein.

(3) The authority shall elect a chair, vice chair, secretary, and treasurer from its members, and such other officers it deems proper, not necessarily from its members, to perform such duties as the authority may direct. Four members of the authority shall constitute a quorum for the authority, but at least four members of the authority must approve any action to be taken by the authority. Resolutions adopted by the vote of at least four members of the authority shall become effective without further action by the authority. Each member of the authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of the authority. The authority may meet at such times and places designated by it but shall hold regular meetings as necessary and generally once a month. Special meetings of the authority may be called upon the call of its chair or any three members of the authority. The members of the authority shall not be entitled to compensation, but members and employees of the authority shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.

(4) The authority shall employ and fix the compensation of a managing director who shall manage the affairs of the authority under the supervision and control of the authority. Such managing director may be given any title suitable to the authority. The authority may employ such engineers, certified public accountants, consultants, and employees as it may require, and fix and pay their compensation. The authority may use any of the services available to governmental units through the Administration and Finance Department of the City of Jacksonville, but is not required by law to do so. However, the authority shall be required to use the legal services of the City of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area. Such use of city services, including, but not limited to, legal services, shall be on contractual basis and the authority is authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authority. The use by the authority of any such services furnished by the city shall not obligate the authority, except to the extent it contracts with the city, or otherwise subject the authority to any rules, regulations, or ordinances of said city not otherwise applicable to the authority under this act and the charter of said city. The authority may delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this act, subject always to the supervision and control of the authority, and may do any and all things necessary to accomplish the purposes of this act.

(5) The provisions of section 286.012, Florida Statutes, requiring any member of the authority present at a meeting to vote unless there is a possible conflict of interest, and the provisions of sections 112.311-112.3175, Florida Statutes, and as the same may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of the authority.

Section 2. Definitions.--In the interpretation hereof, the following words and terms shall be taken to include the following meanings when the context shall require or permit:

(1) The term "bonds" means and embraces bonds, notes, certificates, and

other financial obligations issued by the authority for financing or refinancing purposes and, except where otherwise required by the context, notes and other instruments executed to evidence obligations of the authority for the repayment of borrowed funds.

(2) The term "county" means the County of Duval.

(3) The term "city" or "City of Jacksonville" means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.

(4) The term "federal agency" means and includes the United States, the President of the United States, and any department, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.

(5) Words importing the singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

(6) The term "project" embraces any one or any combination of two or more of the following, to wit: facilities for the construction, manufacture, repair, or maintenance of airplanes, helicopters, and aircraft of all kinds; other facilities, directly or indirectly related to the promotion and development of airborne and airport activities, commerce, travel, exploration, and researching; and other airport facilities of all kinds, including, but not limited to, landings, ramps, runways, taxiways, warehouses, terminals, refrigeration, and cold storage plants and facilities, tiedown and parking areas and facilities, intermodal, railroad, air, and motor terminals for passengers, freight, exploration, and research, rolling stock, airplanes, helicopters, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. The authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(7) The term "cost," as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(8) The term "cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and, if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any cost, obligation or expense incurred by the authority prior to the issuance of revenue bonds under the provisions of this act, including, without limitation, costs for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project, may be regarded as a part of the cost of such project.

Section 3. Powers.--The authority shall have the below specified powers (in addition to other powers otherwise conferred by law) and shall also have all powers that relate to airport issues vested in the former Jacksonville Port Authority:

(1) To adopt, use, and alter at will a corporate seal; to sue and be sued, plead and be pleaded, complain, and defend in all courts; to exercise the power of eminent domain to acquire property for any authorized purposes, including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the State of Florida; to accept grants, gifts, and donations; and to enter into contracts, leases, or other transactions with any legal entity or person, including any federal agency, the

state, any agency of the state, the County of Duval, the City of Jacksonville, or with any other public body of the state.

(2) To adopt rules and regulations with reference to all projects and matters under the control of the authority. All rules and regulations promulgated and all impositions and exactions made by the authority hereof shall be just and reasonable and consistent with public interest and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be a matter of public record (except as otherwise provided by applicable law) and copies thereof shall be dispensed at cost to all applicants therefor.

(3) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair, and operate any project as herein defined.

(4) Subject to the jurisdiction of the United States and the State of Florida, to construct, establish, improve, maintain and/or manage (directly or indirectly through management agreements, consulting agreements or other similar arrangements) airports and related facilities within or outside the county, all upon such terms and conditions as may be determined by the authority and not prohibited by the United States and the State of Florida.

(5) To acquire for any project authorized by this act by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as the authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law.

(6) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement, or modernization of any project, and to pledge the revenues to secure the payment of bonds.

(7) To enter into arrangements with airlines, railroads, any intermodal or common carrier, or any other commercial enterprise related to the authority's basic mission, if the authority shall deem it advantageous so to do.

(8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of the duties of the authority and the exercise of its powers; to make and execute leases or agreements for the use and occupation of the property and/or projects under the control of the authority on such terms, conditions, and period of time as it may determine; and to sell and dispose of such property and/or projects as shall no longer be needed for the uses and purposes of the authority on such terms and conditions as shall be prescribed by resolution of the authority; however, before disposing of any real property which was acquired from either the city or county, other than by purchase or by swap, the authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give the authority written notice of such intention within 30 days from the date of mailing of the authority's notice regarding the disposal of such property, and the authority shall make the reconveyance of such property to said governmental unit forthwith. If within such 30 days said governmental unit does not notify the authority in writing of a desire to accept a reconveyance of said property or refuses to accept a reconveyance of same, the authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of the authority. The authority shall not sell real property for less than the appraised value.

(9) To the extent permitted by law to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under the control of the authority; to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; and to impose sanctions to promote and enforce compliance with any rule or regulation which the authority may adopt in the regulation of the airports and related facilities under its control.

(10) To fix the rates for airports and related facilities and warehousing, storage, landing, port, and terminal charges for the use of the facilities owned or operated by the authority.

(11) To solicit air carriers, shipping lines, intermodal or common carriers, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the airports operated by the authority; to publicize, advertise, and promote the activities and projects authorized by this act and to promote the objects of the authority in the manner set forth by resolution of the authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions, and attributes of the activities and

projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this act; to cooperate, including the expenditure of funds to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and, in furtherance thereof, to authorize expenditures for any and all of the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized, provided, however, that funds obtained under chapters 159 and 315, Florida Statutes, may not be used for such purposes. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee of the authority, the authority may reimburse such member or employee therefor, but only in the manner duly authorized by the authority.

(12) To receive and accept from any federal or state agency grants for or in aid of the construction, improvement, or operation of any project and to receive and accept contributions from any source of money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the Federal Government as a condition precedent to the establishment within or without the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce; to expedite and encourage foreign commerce, and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties; and, provided there is an economic benefit to the authority and/or Duval County, to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within and without said county of one or more bonded warehouses.

(14) To enter into any contract with a legal entity, person, the State of Florida, the Federal Government, or any agency of said governments, which may be necessary for development of any project related to the authority's basic mission.

(15) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as the authority may deem necessary and may prepare and adopt a comprehensive plan or plans for the location, construction, improvement, and development of any project.

(16) To grant exclusive or nonexclusive franchises to persons, firms, or corporations for the operation of airport property or facilities, including restaurants, cafeterias, bars, cigar and cigarette stands, newsstands, buses, taxicabs, vending machines, hotels, motels, service stations, real estate developments, and other concessions in, on, and in connection with any property and/or project owned and operated by the authority. In granting such franchises, it shall be the duty of the authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services and the revenues which will be derived therefrom by the authority and to exercise sound prudent business judgment on behalf of the authority with respect thereto, calling for bids when practicable and when the interests of the authority will best be served by such action.

(17) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity, or telephone service to or in connection with any project.

(18) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the authority, or under its control, to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects and to combine for financing purposes any two or more projects constructed or acquired by the authority under the provisions of this act. In any such case the authority may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the authority's contracts in connection with such project or projects, and for the payment of principal of premium, if any, and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended

in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the authority may determine, unless such surplus has been pledged for the payment of principal of premium, if any, and interest on bonds, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

(20) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of section 10(c)(2), Article VII of the State Constitution, with respect to any project as defined therein.

(21) To appoint officers for the administration of criminal justice, or as set forth by general law.

Section 4. Issuance of bonds.--

(1) The authority is authorized to issue general obligation bonds or revenue bonds of the authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location any buildings, structures, or facilities, and for the purpose of paying off and retiring any bonds issued or assumed under the provisions of this act.

(2) The bonds of each issue shall be authorized by resolution of the authority and shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same, as shall be determined by the authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if such officer had remained in office until such delivery. The bonds may be issued in coupon, registered, or book entry form, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(3) Prior to any public sale of bonds, the authority may, in addition to any other publication and notice to the financial community, cause notice to be given by publication in a daily newspaper published and having a general circulation in the city that the authority will receive bids for the purchase of the bonds at the office of the authority in the city. Said notice may be published once not less than 15 days prior to the date set for receiving the bids. Said notice may specify the amount of the bonds offered for sale, state that the bids shall be sealed bids, and give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale, a copy of such advertisement may be given to the Florida Division of Bond Finance and to at least three recognized bond dealers in the state in the time established by applicable law.

(4) Except as otherwise provided in this subsection, bonds and refunding bonds issued pursuant to this act may be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the authority. The authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the authority shall determine to be in its best interest. However, any price less than 100 percent of par value shall be subject to section 215.84, Florida Statutes, as it may be

amended from time to time. In no event shall said bonds be sold at a net interest cost to the authority in excess of the legal limit, as established by section 215.84, Florida Statutes, or according to said section as it may be amended from time to time. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a 360-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(5) The authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of 2 percent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the authority, as a guarantee of good faith in the performance of each bid. The checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his or her bid.

(6) No general obligation bonds shall be issued by the authority hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast by qualified voters in an election held for such purpose. Whenever the authority, by resolution, requests the council of the City of Jacksonville to hold such an election, said council shall, on behalf of the authority, hold, conduct, canvass, and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the authority. In no event shall such general obligation bonds be construed or considered to be bonds of the City of Jacksonville or any other municipality but shall be solely bonds of the authority that issues the bonds.

(7) The authority is authorized to borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(8) Subject to the restrictions contained in subsections (2), (3), and (4) of this section, the authority shall have the power to provide for the issuance of refunding bonds of the authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds then outstanding which have been assumed by the authority or issued for the purpose of financing the cost of making enlargements, extensions, and improvements to any project acquired, constructed, or operated under the provisions of this act. The authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of the authority for the combined purpose of:

(a) Paying the cost of enlargement, extension, reconstruction, or improvement of any project or combination of projects.

(b) Refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by the authority under the provisions of this act (or its predecessor act) which shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same shall be set forth in the resolution of the authority authorizing the issuance of such bonds.

Section 5. Budget and finance.--The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30. The authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation (budget) requested by the authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the former Jacksonville Port Authority and the authority shall not be reduced below the amount required under the terms and provisions of any outstanding bonds.

Section 6. Rights of bondholders.--All bonds issued by the City of

Jacksonville or the former Jacksonville Port Authority related to properties transferred to the authority and bonds issued under authority of chapter 63-1447, Laws of Florida, remain the liability, responsibility, and obligation of the issuer and the rights of the holders of existing outstanding bonds shall be unimpaired. Rights, duties, and obligations of the authority with respect to the property, and any bonds related thereto, transferred to it by the City of Jacksonville or the former Jacksonville Port Authority are ratified and remain unchanged.

Section 7. Rights of employees.--

(1) Except as provided in subsection (2), all employment rights and employee benefits authorized under section 11, chapter 63-1447, Laws of Florida, as amended, are hereby confirmed, ratified, and continued, notwithstanding the repeal of said chapter 63-1447, Laws of Florida, as amended. Effective October 1, 2001, in order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, the authority created by this act (and its predecessor act) shall be a county agency and employees of the authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Effective October 1, 2001, those employees of the former Jacksonville Port Authority who were assigned to any activity related to the operation of the airport facilities shall become employees of the Jacksonville Airport Authority created by this act (and its predecessor act). Effective October 1, 2001, central administrative employees shall be employed by either the Jacksonville Airport Authority or the Jacksonville Port Authority, formerly known as the Jacksonville Seaport Authority, created by this act (and its predecessor act) or as otherwise agreed by both. It is expressly provided that none of those employees of the former Jacksonville Port Authority who remain with the authority created by this act (and its predecessor act) shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, the authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act (and its predecessor act) were performed by the former Jacksonville Port Authority. In order to specifically preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System, pursuant to chapter 121, Florida Statutes, the authority created by this act (and its predecessor act) shall be a county authority and employees of this authority who are currently participating in the Florida Retirement System and all employees of the authority after October 1, 2001, shall be eligible to participate in the Florida Retirement System.

(2) Effective October 1, 2001, the Jacksonville Airport Authority firefighters shall be merged into the City of Jacksonville's Fire and Rescue Department and shall become employees of the City of Jacksonville; however, with respect to pension benefits such Jacksonville Airport Authority Fire Department employees shall have a one-time option to continue participation in the Florida Retirement System or to participate in the City of Jacksonville Police and Fire Pension Fund. Such option must be exercised no later than November 1, 2001. Upon such merger, firefighting services for the airports owned and operated by the Jacksonville Airport Authority shall be provided by the Fire and Rescue Department of the City of Jacksonville pursuant to a written contract to be entered into by and between the City of Jacksonville and the Jacksonville Airport Authority. Notwithstanding any provision in this act to the contrary, such merger and contract shall become effective October 1, 2001. If any firefighter who has vested in the Florida Retirement System exercises the option to become a member of the City of Jacksonville Police and Fire Pension Fund, such vested time shall not be included in the City of Jacksonville Police and Fire Pension Fund.

Section 8. Cooperation with other units, boards, agencies, legal entities, and persons.--Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state to make and enter into with the authority, contracts, leases, conveyances, or other agreements within the provisions and purposes of this act. The authority is hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, legal entities and persons for the purpose of carrying out the

provisions of this act.

Section 9. Audits; bonds.--The authority shall issue quarterly and annually financial reports of its operations and shall also cause annual audits to be made of its operations and affairs by an independent certified public accountant, in such detail as may be necessary to show the financial operation and status of the authority, and the same shall be preserved as public records of the authority. The authority's records may be audited at any time by the Council Auditor of the City of Jacksonville. Members of the authority shall be required to give a good and sufficient surety bond in the sum of \$50,000, payable to the City of Jacksonville, conditioned upon the faithful performance of their duties as members of the authority. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, and the premium or premiums thereon shall be paid by the authority as a necessary expense of the authority. The authority shall have power to require its managing director and such others of its employees as they may deem necessary to furnish good and sufficient surety bond in such sum as the authority shall require, conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of the authority.

Section 10. Award of contracts.--

(1) If the total cost, value, or amount of construction, reconstruction, repairs, or work of any nature, including the labor and materials, exceeds \$50,000 when purchased by the authority, any such construction, reconstruction, repairs, or work exceeding the foregoing amount established for the authority shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms and after due public notice has been given asking for competitive bids as hereinafter provided. The foregoing requirement for competitive bidding shall not apply to construction, reconstruction, repairs, or work done by employees of the authority or by labor supplied under agreement with the Federal Government or state government. The authority shall keep a current list of responsible bidders and, whenever the authority shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of the authority, or otherwise, other than by contract.

(2) All supplies, equipment, machinery, and materials exceeding \$25,000 in cost purchased by the authority shall be purchased by the authority only after due advertisement as provided hereinafter. When purchasing supplies, equipment, machinery, and materials pursuant to competitive bid as mandated herein, the authority shall accept the lowest bid or bids, kind, quality, and material being equal, but the authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

(3) The term "advertisement" or "due public notice" wherever used in this section means a notice published at least once a week for 2 consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as the authority shall deem advisable.

(4) Subject to the aforesaid provisions, the authority may, but without intending by this provision to limit any powers of the authority, enter into and carry out such contract or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the authority may deem desirable or as may be requested by the Federal Government or state government assisting in the financing of its projects, and facilities related thereto or any part thereof, provided the provisions of this subsection shall not apply to any case in which the authority has taken over by transfer or assignment any contract assigned to

it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of sections 11 and 12, or to any contract in connection with projects which the authority may have had transferred to it by any persons or private corporations, and further provided the provisions of this section shall not apply to any contract or agreement between the authority and any engineers, architects, attorneys, or other professional services or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

Section 11. Execution of instruments; examination of claims.--All instruments in writing necessary to be signed by the authority shall be executed by its chair and secretary. The authority may, by resolution, designate one or more officers, members, employees, or agents of the authority to execute instruments in writing where it is necessary that such instruments be signed by the authority. No expenditure of funds of the authority shall be made except by voucher approved by the authority and signed by its chair and secretary, or by one or more officers, members, or employees of the authority as the authority may designate by resolution. The foregoing authority of the chair may be exercised by the vice chair in the absence of the chair and the foregoing authority of the secretary may be exercised by an assistant secretary designated by the authority in the absence of the secretary. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

Section 12. Transfer of assets and liabilities.--The former Jacksonville Port Authority shall take all actions necessary to convey, assign, transfer, and set over:

(1) All of the rights, title, and interests of the former Jacksonville Port Authority in and to its airport facilities, including, without limitation, its real and personal property and any interests therein, books, records, contracts, leases, and all other property of any kind or nature related to the operation of the airport, by operation of this act (and its predecessor act), and without further act, to the authority.

(2) All contracts and leases relating to the former Jacksonville Port Authority's airport operations, shall, by operation of this act (and its predecessor act), and without further act, become contracts and leases of the authority.

(3) All accounts receivable, accounts payable, and cash on hand relating to the former Jacksonville Port Authority's airport operations shall, by operation of this act (and its predecessor act), and without further act, be transferred or delivered to the authority.

(4) All operating expenses, including taxes of all kinds and all revenue and expense accruals of the former Jacksonville Port Authority's airport operations shall be transferred to the authority, on the effective date at transfer.

(5) The conveyances specified in this section shall be effective as of October 1, 2001.

Section 13. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.--The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the authority.

Section 14. Declaration of purposes.--The authority created by this act and the purposes which it is intended to serve is hereby found to be for a county and public purpose. The authority is a political subdivision of the State of Florida, a local governmental body within the meaning of section 10(c)(2), Article VII of the State Constitution. Nothing in this act is intended to create an entity which is exempt from ad valorem taxation except as otherwise set forth by applicable law.

Section 2. The powers of the authority created by this act shall be construed liberally in favor of the authority. No listing of powers included in this act is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general powers of the authority as stated in section 3. It is the intent of this act to grant the authority full power and right to exercise all authority necessary for the effective operation and conduct of the authority. It is further intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless this act specifically so requires.

Section 3. The provisions of this act are severable and it is the intention to confer the whole or any part of the powers provided for herein and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4. Effective on the effective date of this act, chapters 2001-319, 2002-349, and 2003-341, Laws of Florida, are hereby repealed.

Section 5. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the airport authority known as the Jacksonville Airport Authority, which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate airport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure, providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer, effective October 1, 2001, of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate airport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to airport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; providing an effective date.

Rep. D. Davis moved the adoption of the amendment, which was adopted.

On motion by Rep. D. Davis, the rules were waived and HB 1647, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 900

Speaker Byrd in the Chair.

Yeas—116

Adams	Byrd	Harrington	Murzin
Allen	Cantens	Hasner	Needelman
Altman	Clarke	Henriquez	Negron
Ambler	Cretul	Holloway	Patterson
Anderson	Culp	Homan	Peterman
Antone	Davis, D.	Jennings	Pickens
Arza	Davis, M.	Johnson	Planas
Attkisson	Dean	Jordan	Poppell
Ausley	Domino	Joyner	Prieguez
Baker	Evers	Justice	Quinones
Barreiro	Farkas	Kallinger	Reagan
Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Galvano	Kosmas	Ritter
Bense	Gannon	Kottkamp	Rivera
Benson	Garcia	Kravitz	Robaina
Berfield	Gardiner	Kyle	Roberson
Bilirakis	Gelber	Littlefield	Ross
Bogdanoff	Gibson, A.	Llorente	Rubio
Bowen	Gibson, H.	Machek	Russell
Brandenburg	Goodlette	Mahon	Ryan
Brown	Gottlieb	Mayfield	Sansom
Brummer	Green	McInvale	Seiler
Brutus	Greenstein	Meadows	Simmons
Bucher	Harper	Mealor	Slosberg
Bullard	Harrell	Murman	Smith

Sobel	Stansel	Troutman	Wiles
Sorensen	Stargel	Vana	Wishner
Spratt	Sullivan	Waters	Zapata

Nays—None

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

HB 1649—A bill to be entitled An act relating to the Jacksonville Port Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the seaport authority known as the Jacksonville Port Authority which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate seaport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, and rules of procedure; providing for employment of a managing director and other employees; providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate seaport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing chapter 2001-319, Laws of Florida, as amended; providing an effective date.

The Committee on Local Government & Veterans' Affairs recommended the following:

HB 1649 CS—A bill to be entitled An act relating to the Jacksonville Port Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the seaport authority known as the Jacksonville Port Authority which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate seaport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, and rules of procedure; providing for employment of a managing director and other employees; providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate seaport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing chapter 2001-319, Laws of Florida, as amended; providing an effective date.

—was read the second time by title.

Representative D. Davis offered the following:

(Amendment Bar Code: 017519)

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

Section 1. Section 1. Creation of Jacksonville Port Authority.--

(1) The charter provisions concerning the marine operations of the former Jacksonville Port Authority established pursuant to chapter 2001-319, Laws of Florida, as amended, are hereby repealed and the following is created for the

Jacksonville Port Authority. There is hereby created and established as of October 1, 2001 a separate body politic and corporate to be known as the Jacksonville Port Authority (formerly known as the Jacksonville Seaport Authority from October 1, 2001 to July 16, 2003 and hereinafter referred to singly as the "authority"), which is created as an agency and political subdivision of the State of Florida in the nature of counties and not municipalities. This authority is authorized to exercise its jurisdiction, powers, and duties within the geographic area defined by the boundary lines of Duval County as established by section 7.16, Florida Statutes, which boundary lines also define the geographic area of the City of Jacksonville, and outside such boundary lines as hereinafter provided. The Jacksonville Port Authority shall operate, manage, and control the publicly owned seaport and ancillary facilities located within Duval County and outside such boundary lines as hereinafter provided. The authority was separated from the Jacksonville Airport Authority pursuant to chapter 2001-319, Laws of Florida, as amended, and this separation shall be reviewed for performance and efficiency after a period of 4 years from October 1, 2001.

(2) The governing body for the Jacksonville Port Authority shall consist of seven members, four of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and three of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. Members shall serve for terms of 4 years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members of the authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on the authority until their death, resignation, removal, or until their respective successors are appointed and confirmed. A vacancy occurring during a term of an appointed member on the authority, shall be filled only for the balance of the unexpired term unless otherwise specified in the appointment and confirmation. Any member appointed to the authority for two consecutive full terms shall not be eligible for appointment to the authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to the authority shall serve in staggered terms to provide continuity of experience to the authority with two gubernatorial appointments and two mayoral appointments being for initial 2-year terms, which shall count as a full term for purposes of term limits herein.

(3) The authority shall elect a chair, vice chair, secretary, and treasurer from its members, and such other officers it deems proper, not necessarily from its members, to perform such duties as the authority may direct. Four members of the authority shall constitute a quorum for the authority, but at least four members of the authority must approve any action to be taken by the authority. Resolutions adopted by the vote of at least four members of the authority shall become effective without further action by the authority. Each member of the authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of the authority. The authority may meet at such times and places designated by it but shall hold regular meetings as necessary, and generally once a month. Special meetings of the authority may be called upon the call of its chair or any three members of the authority. The members of the authority shall not be entitled to compensation but members and employees of the authority shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.

(4) The authority shall employ and fix the compensation of a managing director who shall manage the affairs of the authority under the supervision and control of the authority. Such managing director may be given any title suitable to the authority. The authority may employ such engineers, certified public accountants, consultants, and employees as it may require, and fix and pay their compensation. The authority may use any of the services available to governmental units through the Administration and Finance Department of the City of Jacksonville, but is not required by law to do so. However, the authority shall be required to use the legal services of the City of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area. Such use of city services, including, but not limited to, legal services, shall be on contractual basis and the authority is authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authority. The use by the authority of any such services furnished by the city shall not obligate the authority except to the extent it contracts with the city, or otherwise subject the authority to any rules, regulations, or ordinances

of said city not otherwise applicable to the authority under this act and the charter of said city. The authority may delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this act, subject always to the supervision and control of the authority, and may do any and all things necessary to accomplish the purposes of this act.

(5) The provisions of section 286.012, Florida Statutes, requiring any member of the authority present at a meeting to vote unless there is a possible conflict of interest, and the provisions of sections 112.311-112.3175, Florida Statutes, and as the same may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of the authority.

Section 2. Definitions --In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit:

(1) The term "bonds" means and embraces bonds, notes, certificates, and other financial obligations issued by the authority for financing or refinancing purposes, and except where otherwise required by the context, notes, and other instruments executed to evidence obligations of the authority for the repayment of borrowed funds.

(2) The term "county" means the County of Duval.

(3) The term "city" or "City of Jacksonville" means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.

(4) The term "federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.

(5) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

(6) The term "project" embraces any one or any combination of 2 or more of the following, to wit: facilities for the construction, manufacture, repair, or maintenance of boats, ships, and watercraft of all kinds, and other facilities, directly or indirectly related to the promotion and development, of waterborne and maritime activities and commerce, travel, exploration, and researching, and other harbor, port, shipping, and seaport facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, warehouses, terminals, refrigerating, and cold storage plants and facilities, parking areas and facilities, intermodal and railroad and motor terminals for passengers, freight, exploration, and research, rolling stock, ferries, boats, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. The authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(7) The term "cost," as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(8) The term "cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project

and the placing of the same in operation. Any obligation or expense incurred by the authority prior to the issuance of revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

Section 3. Powers.--The authority shall have the below specified powers (in addition to other powers otherwise conferred by law) and shall also have all powers that relate to maritime issues vested in the former Jacksonville Port Authority:

(1) To adopt, use, and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain, and defend in all courts; to exercise the power of eminent domain to acquire property for any authorized purposes, including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the State of Florida; to accept grants, gifts, and donations; and to enter into contracts, leases, or other transactions with any legal entity, person, federal agency, the state, any agency of the state, the County of Duval, the City of Jacksonville, or with any other public body of the state.

(2) To adopt rules and regulations with reference to all projects and matters under the control of the authority. All rules and regulations promulgated and all impositions and exactions made by the authority hereof shall be just and reasonable and consistent with public interest and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be a matter of public record (except as otherwise provided by applicable law) and copies thereof shall be dispensed at cost to all applicants therefor.

(3) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair, and operate any project as herein defined.

(4) Subject to the jurisdiction of the United States and the State of Florida, to construct, establish, and improve harbors within the county, to improve navigable waters within the county, and to construct and maintain canals, slips, turning basins, and channels, all upon such terms and conditions as may be required by the United States and the State of Florida.

(5) To acquire for any project authorized by this act by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as the authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law.

(6) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement, or modernization of any project and to pledge the revenues to secure the payment of bonds.

(7) To enter into arrangements with steamship lines, railroads, any intermodal or common carrier, or any other commercial enterprise, related to the authority's basic mission, if the authority shall deem it advantageous so to do.

(8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of the duties of the authority and the exercise of its powers; to make and execute leases or agreements for the use and occupation of the property and/or projects under the control of the authority on such terms, conditions, and period of time as it may determine; and to sell and dispose of such property and/or projects as shall no longer be needed for the uses and purposes of the authority on such terms and conditions as shall be prescribed by resolution of the authority; however, before disposing of any real property which was acquired from either the city or county, other than by purchase or by swap, the authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give the authority written notice of such intention within 30 days from the date of mailing of the authority's notice regarding the disposal of such property, and the authority shall make the reconveyance of such property to said governmental unit forthwith. If within such 30 days, said governmental unit does not notify the authority in writing of a desire to accept a reconveyance of said property or refuses to accept a reconveyance of same the authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of the authority. The authority shall not sell real property for less than the appraised value.

(9) To the extent permitted by law to fix, regulate, and collect rates and

charges for the services and facilities furnished by any project under the control of the authority, and to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; and to impose sanctions to promote and enforce compliance with any rule or regulation which the authority may adopt in the regulation of the ports, harbors, wharves, docks, and other projects under its control.

(10) To fix the rates for wharfage, dockage, warehousing, storage, and port and terminal charges for the use of the facilities owned or operated by the authority.

(11) To solicit shipping lines, intermodal or common carriers, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the seaport operated by the authority; to publicize, advertise, and promote the activities and projects authorized by this act and to promote the objects of the authority in the manner set forth by resolution of the authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this act; to cooperate, including expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and in furtherance thereof, to authorize expenditures for any and all of the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized, provided, however, that funds obtained under chapters 159 and 315, Florida Statutes, may not be used for such purposes. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee of the authority, the authority may reimburse such member or employee therefor, but only in the manner duly authorized by the authority.

(12) To receive and accept from any federal or state agency grants for or in aid of the construction, improvement, or operation of any project and to receive and accept contributions from any source of money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the federal government as a condition precedent to the establishment within or without the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce and to expedite and encourage foreign commerce, and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties and, provided there is an economic benefit to the authority and/or Duval County, to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within and without said county of one or more bonded warehouses.

(14) To enter into any contract with a legal entity, person, the State of Florida, the federal government, or any agency of said governments, which may be necessary for development of any project related to the authority's basic mission.

(15) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as the authority may deem necessary and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement, and development of any project.

(16) To grant exclusive or non-exclusive franchises to persons, firms, or corporations for the operation of restaurants, cafeterias, bars, cigar and cigarette stands, newsstands, buses, taxicabs, vending machines, hotels, motels, service stations, real estate developments, and other concessions in, on, and in connection with any property and/or project owned and operated by the authority. In granting such franchises it shall be the duty of the authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services and the revenues which will be derived therefrom by the authority and to exercise sound prudent business judgment on behalf of the authority with respect thereto, calling for bids when practicable and when the interests of the public will best be served by such action.

(17) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity, or telephone service to or in connection with any project.

(18) To pledge by resolution or contract the revenues arising from the

operation of any project or projects owned and operated by the authority, or under its control, to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects and to combine for financing purposes any two or more projects constructed or acquired by the authority under the provisions of this act. In any such case the authority may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the authority's contracts in connection with such project or projects, and for the payment of principal of premium, if any, and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the authority may determine, unless such surplus has been pledged for the payment of principal of premium, if any, and interest on bonds, as authorized in subsections (1)-(6) of section 4, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

(20) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of section 10(c)(2), Article VII of the State Constitution, with respect to any project as defined therein.

(21) To appoint officers for the administration of criminal justice as set forth by general law.

Section 4. Issuance of bonds.--

(1) The authority is authorized to issue general obligation bonds or revenue bonds of the authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location any buildings, structures, or facilities, which in the opinion of the authority constitute obstructions or hazards to the safe or efficient operation of any such project and for the purpose of paying off and retiring any bonds issued or assumed under the provisions of this act.

(2) The bonds of each issue shall be authorized by resolution of the authority and shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same, as shall be determined by the authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if such officer had remained in office until such delivery. The bonds may be issued in coupon registered or book entry form, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(3) Prior to any public sale of bonds, the authority may, in addition to any other publication and notice to the financial community, cause notice to be given by publication in a daily newspaper published and having a general circulation in the city that the authority will receive bids for the purchase of the bonds at the office of the authority in the city. Said notice may be published once not less than 15 days prior to the date set for receiving the

bids. Said notice may specify the amount of the bonds offered for sale, state that the bids shall be sealed bids, and give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale, a copy of such advertisement shall be given to the Florida Division of Bond Finance and to at least three recognized bond dealers in the state, in the time established by applicable law.

(4) Except as otherwise provided in this subsection, bonds and refunding bonds issued pursuant to this act may be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the authority. The authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the authority shall determine to be in its best interest. However, any price less than 100 percent of par value shall be subject to section 215.84, Florida Statutes, as it may be amended from time to time. In no event shall said bonds be sold at a net interest cost to the authority in excess of the legal limit, as established by section 215.84, Florida Statutes, or according to said section as it may be amended from time to time. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a 360-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(5) The authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of 2 percent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the authority, as a guarantee of good faith in the performance of each bid. The checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his or her bid.

(6) No general obligation bonds shall be issued by the authority hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast by qualified voters in an election held for such purpose. Whenever the authority, by resolution, requests the council of the City of Jacksonville to hold such an election, said council shall, on behalf of the authority, hold, conduct, canvass, and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the authority. In no event shall such general obligation bonds be construed or considered to be bonds of the City of Jacksonville or any other municipality but shall be solely bonds of the authority that issues the bonds.

(7) The authority is authorized to borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(8) Subject to the restrictions contained in subsections (2), (3), and (4) of section 4, the authority shall have the power to provide for the issuance of refunding bonds of the authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds then outstanding which have been assumed by the authority or issued for the purpose of financing the cost of making enlargements, extensions, and improvements to any project acquired, constructed, or operated under the provisions of this act. The authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of the authority for the combined purpose of:

(a) Paying the cost of enlargement, extension, reconstruction, or improvement of any project or combination of projects.

(b) Refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by the authority under the provisions of this act (or its predecessor act) which shall then be outstanding

and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same shall be set forth in the resolution of the authority authorizing the issuance of such bonds.

Section 5. Budget and finance.--The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30. The authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation (budget) requested by the authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the former Jacksonville Port Authority and the authority shall not be reduced below \$800,000 for each year that the bonds to which the \$800,000 is pledged remain outstanding.

Section 6. Rights of bondholders.--All bonds issued by the City of Jacksonville or the former Jacksonville Port Authority related to properties transferred to the authority and bonds issued under authority of chapter 63-1447, Laws of Florida, remain the liability, responsibility, and obligation of the issuer and the rights of the holders of existing outstanding bonds shall be unimpaired. Rights, duties, and obligations of the authority with respect to the property transferred to it by the former Jacksonville Port Authority are ratified and remain unchanged.

Section 7. Rights of employees.--All employment rights and employee benefits authorized under section 11, chapter 63-1447, Laws of Florida, as amended, are hereby confirmed, ratified, and continued, notwithstanding the repeal of said chapter 63-1447, Laws of Florida, as amended. Effective October 1, 2001, in order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, the authority created by this act (and its predecessor act) shall be a county agency and employees of the authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Effective October 1, 2001, those employees of the Jacksonville Port Authority who were assigned to any activity related to the operation of the marine facilities shall become employees of the Jacksonville Port Authority created by this act (and its predecessor act). Effective October 1, 2001, central administrative employees shall be employed by either the authority created by this act (and its predecessor act) or the Jacksonville Airport Authority, or as otherwise agreed by both the authority and the Jacksonville Airport Authority. It is expressly provided that none of those employees of the former Jacksonville Port Authority who remain with the authority created by this act (and its predecessor act) shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, the authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act (and its predecessor act) were performed by the former Jacksonville Port Authority. In order to specifically preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System, pursuant to chapter 121, Florida Statutes, the authority created by this act (and its predecessor act) shall be a county authority and employees of this authority who are currently participating in the Florida Retirement System and all employees of the authority after October 1, 2001, shall participate in the Florida Retirement System.

Section 8. Cooperation with other units, boards, agencies, legal entities and persons.--Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state to make and enter into with the authority, contracts, leases, conveyances, or other agreements within the provisions and purposes of this act. The authority is hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, legal entities and persons for the purpose of carrying out the provisions of this act.

Section 9. Audits; bonds.--The authority shall issue quarterly and annually

financial reports of its operations and shall also cause annual audits to be made of its operations and affairs by an independent certified public accountant, in such detail as may be necessary to show the financial operation and status of the authority, and the same shall be preserved as public records of the authority. The authority's records may be audited at any time by the Council Auditor of the City of Jacksonville. Members of the authority shall be required to give a good and sufficient surety bond in the sum of \$50,000, payable to the City of Jacksonville, conditioned upon the faithful performance of their duties as members of the authority. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, and the premium or premiums thereon shall be paid by the authority as a necessary expense of the authority. The authority shall have power to require its managing director and such others of its employees as they may deem necessary to furnish good and sufficient surety bond in such sum as the authority shall require, conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of the authority.

Section 10. Award of contracts.--

(1) If the total cost, value, or amount of construction, reconstruction, repairs, or work of any nature, including the labor and materials, exceeds \$50,000 when purchased by the authority, any such construction, reconstruction, repairs, or work exceeding the foregoing amount established for the authority shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms and after due public notice has been given asking for competitive bids as hereinafter provided. The foregoing requirement for competitive bidding shall not apply to construction, reconstruction, repairs, or work done by employees of the authority or by labor supplied under agreement with the federal or state government. The authority shall keep a current list of responsible bidders and, whenever the authority shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority, and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with the authority shall pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of the authority, or otherwise, other than by contract.

(2) All supplies, equipment, machinery, and materials exceeding \$25,000 in cost purchased by the authority shall be purchased by the authority only after due advertisement as provided hereinafter. When purchasing supplies, equipment, machinery, and materials pursuant to competitive bid as mandated herein, the authority shall accept the lowest bid or bids, kind, quality, and material being equal but the authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

(3) The term "advertisement" or "due public notice" wherever used in this section means a notice published at least once a week for 2 consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as the authority shall deem advisable.

(4) Subject to the aforesaid provisions, the authority may, but without intending by this provision to limit any powers of the authority, enter into and carry out such contract or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the authority may deem desirable or as may be requested by the federal or state government assisting in the financing of its projects, seaport facilities, and facilities related thereto, or any part thereof, provided the provisions of this subsection shall not apply to any case in which the authority has taken over by transfer or assignment any contract assigned to it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of sections 11 and 12, or to any

contract in connection with projects which the authority may have had transferred to it by any persons or private corporations, and further provided the provisions of this section shall not apply to any contract or agreement between the authority and any engineers, architects, attorneys, or other professional services or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

Section 11. Execution of instruments; examination of claims.--All instruments in writing necessary to be signed by the authority shall be executed by its chair and secretary. The authority may, by resolution, designate one or more officers, members, employees, or agents of the authority to execute instruments in writing where it is necessary that such instruments be signed by the authority. No expenditure of funds of the authority shall be made except by voucher approved by the authority and signed by its chair and secretary, or by one or more officers, members, or employees of the authority as the authority may designate by resolution. The foregoing authority of the chair may be exercised by the vice chair in the absence of the chair and the foregoing authority of the secretary may be exercised by an assistant secretary designated by the authority in the absence of the secretary. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

Section 12. Transfer of assets and liabilities.--The former Jacksonville Port Authority shall take all actions necessary to convey, assign, transfer, and set over:

(1) All of the right, title, and interests of the former Jacksonville Port Authority in and to its marine port facilities, including, without limitation, its real and personal property and any interests therein, books, records, contracts, leases, and all other property of any kind or nature related to the operation of the marine port, by operation of this act (and its predecessor act), and without further act, to the authority.

(2) All contracts and leases relating to the former Jacksonville Port Authority's marine port operations, shall, by operation of this act (and its predecessor act), and without further act, become contracts and leases of the authority.

(3) All accounts receivable, accounts payable, and cash on hand relating to the former Jacksonville Port Authority's marine port operations shall, by operation of this act (and its predecessor act), and without further act, be transferred or delivered to the authority.

(4) All operating expenses, including taxes of all kinds and all revenue and expense accruals of the former Jacksonville Port Authority's marine operations shall be transferred to the authority, on the effective date at transfer.

(5) The conveyances specified in this section shall be effective as of October 1, 2001.

Section 13. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.--The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the authority.

Section 14. Declaration of purposes.--The authority created by this act and the purposes which it is intended to serve is hereby found to be for a county and public purpose. The authority is a political subdivision of the State of Florida, local governmental body within the meaning of section 10(c)(2), Article VII of the State Constitution. Nothing in this act is intended to create an entity which is exempt from ad valorem taxation except as otherwise set forth by applicable law.

Section 2. The powers of the authority created by this act shall be construed liberally in favor of the authority. No listing of powers included in this act is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general powers of the authority as stated in section 3. It is the intent of this act to grant the authority full power and right to exercise all authority necessary for the effective operation and conduct of the authority. It is further intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. The fact that this article specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless this article specifically so requires.

Section 3. The provisions of this act are severable and it is the intention to confer the whole or any part of the powers provided for herein and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4. Effective on the effective date of this act, as defined below, chapters 2001-319, 2002-349, and 2003-341, Laws of Florida, are hereby repealed.

Section 5. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to the Jacksonville Port Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the seaport authority known as the Jacksonville Port Authority which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate seaport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, and rules of procedure; providing for employment of a managing director and other employees; providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate seaport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing chapter 2001-319, Laws of Florida, as amended; providing an effective date.

Rep. D. Davis moved the adoption of the amendment, which was adopted.

On motion by Rep. D. Davis, the rules were waived and HB 1649, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 901

Speaker Byrd in the Chair.

Yeas—115

Adams	Bullard	Green	Mahon
Allen	Byrd	Greenstein	McInlave
Altman	Cantens	Harper	Meadows
Ambler	Clarke	Harrell	Mealor
Antone	Cretul	Harrington	Murman
Arza	Culp	Hasner	Murzin
Attkisson	Davis, D.	Henriquez	Needelman
Ausley	Davis, M.	Holloway	Negron
Baker	Dean	Homan	Patterson
Barreiro	Detert	Jennings	Peterman
Baxley	Domino	Johnson	Pickens
Bean	Evers	Jordan	Planas
Bendross-Mindingall	Farkas	Joyner	Poppell
Bense	Fields	Justice	Prieguez
Benson	Fiorentino	Kallinger	Quinones
Berfield	Galvano	Kendrick	Reagan
Bilirakis	Gannon	Kilmer	Rich
Bogdanoff	Garcia	Kosmas	Richardson
Bowen	Gardiner	Kottkamp	Ritter
Brandenburg	Gelber	Kravitz	Rivera
Brown	Gibson, A.	Kyle	Robaina
Brummer	Gibson, H.	Littlefield	Roberson
Brutus	Goodlette	Llorente	Ross
Bucher	Gottlieb	Machek	Rubio

Russell	Slosberg	Stansel	Waters
Ryan	Smith	Stargel	Wiles
Sansom	Sobel	Sullivan	Wishner
Seiler	Sorensen	Troutman	Zapata
Simmons	Spratt	Vana	

Nays—None

Votes after roll call:
Yeas—Anderson, Mayfield

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

HB 1709—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, amending, and reenacting chapters 70-617 and 89-419, Laws of Florida; providing legislative intent; deleting gender-specific references; providing a district charter; repealing chapters 70-617 and 89-419, Laws of Florida, relating to the Coral Springs Improvement District; providing severability; providing an effective date.

—was read the second time by title.

Representative Gottlieb offered the following:

(Amendment Bar Code: 725927)

Amendment 1—Remove line 314, and insert:
of the state or under the laws of the Federal Government as treasurer

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

On motion by Rep. Gottlieb, the rules were waived and HB 1709, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 902

Speaker Byrd in the Chair.

Yeas—111

Adams	Cantens	Hasner	Negron
Allen	Clarke	Holloway	Patterson
Altman	Cretul	Homan	Peterman
Ambler	Davis, D.	Jennings	Pickens
Anderson	Davis, M.	Johnson	Planas
Antone	Dean	Jordan	Prieguez
Arza	Detert	Joyner	Quinones
Attkisson	Domino	Justice	Reagan
Ausley	Evers	Kallinger	Rich
Baker	Farkas	Kendrick	Ritter
Barreiro	Fields	Kilmer	Rivera
Baxley	Fiorentino	Kosmas	Robaina
Bean	Galvano	Kottkamp	Roberson
Bendross-Mindingall	Gannon	Kravitz	Ross
Bense	Garcia	Kyle	Rubio
Berfield	Gardiner	Littlefield	Russell
Bilirakis	Gelber	Llorente	Ryan
Bogdanoff	Gibson, A.	Machek	Sansom
Bowen	Gibson, H.	Mahon	Seiler
Brandenburg	Goodlette	Mayfield	Simmons
Brown	Gottlieb	McInvale	Slosberg
Brummer	Green	Meadows	Smith
Brutus	Greenstein	Mealor	Sobel
Bucher	Harper	Murman	Sorensen
Bullard	Harrell	Murzin	Spratt
Byrd	Harrington	Needelman	Stansel

Stargel	Troutman	Wiles	Zapata
Sullivan	Waters	Wishner	

Nays—None

Votes after roll call:
Yeas—Benson, Henriquez, Vana

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

Bills and Joint Resolutions on Third Reading

HB 785—A bill to be entitled An act relating to Hillsborough County; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in county procurement programs; providing for a committee to determine suitable projects; providing requirements for the economic development program for local small businesses; providing procedures for waiver of the payment and performance bond; requiring a report; providing for repeal of the act; providing an effective date.

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

Session Vote Sequence: 903

Speaker Byrd in the Chair.

Yeas—113

Adams	Cretul	Johnson	Reagan
Allen	Culp	Jordan	Rich
Altman	Davis, D.	Joyner	Ritter
Ambler	Davis, M.	Justice	Rivera
Anderson	Dean	Kallinger	Robaina
Antone	Detert	Kendrick	Roberson
Arza	Domino	Kilmer	Ross
Attkisson	Evers	Kosmas	Rubio
Ausley	Farkas	Kottkamp	Russell
Baker	Fields	Kravitz	Ryan
Barreiro	Fiorentino	Kyle	Sansom
Baxley	Galvano	Littlefield	Seiler
Bean	Gannon	Llorente	Simmons
Bendross-Mindingall	Garcia	Machek	Slosberg
Bense	Gardiner	Mahon	Smith
Berfield	Gelber	Mayfield	Sobel
Bilirakis	Gibson, A.	McInvale	Sorensen
Bogdanoff	Gibson, H.	Meadows	Spratt
Bowen	Goodlette	Mealor	Stansel
Brandenburg	Gottlieb	Murman	Stargel
Brown	Green	Murzin	Sullivan
Brummer	Greenstein	Needelman	Troutman
Brutus	Harper	Negron	Waters
Bucher	Harrell	Patterson	Wiles
Bullard	Harrington	Peterman	Wishner
Byrd	Hasner	Pickens	Zapata
	Holloway	Planas	
	Homan	Prieguez	
	Jennings	Quinones	

Nays—None

Votes after roll call:
Yeas—Vana

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

Motion

On motion by Rep. Sorensen, the House agreed to adopt an expedited calendar procedure and allow the Clerk to read a list of local bills by title en masse.

Local Bills (Exemption From General Law)

HB 785—A bill to be entitled An act relating to Hillsborough County; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in county procurement programs; providing for a committee to determine suitable projects; providing requirements for the economic development program for local small businesses; providing procedures for waiver of the payment and performance bond; requiring a report; providing for repeal of the act; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Table with 4 columns of names: Adams, Allen, Altman, Ambler, Anderson, Antone, Arza, Attkisson, Ausley, Baker, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brandenburg, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Clarke, Cretul, Culp, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Fields, Fiorentino, Galvano, Gannon, Garcia, Gardiner, Gelber, Gibson, A., Gibson, H., Goodlette, Gottlieb, Green, Greenstein, Harper, Harrell, Harrington, Hasner, Henriquez, Homan, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Littlefield, Llorente, Machek, Mahon, Mayfield, McInvale, Meadows, Meador, Murman, Murzin, Needelman, Negron, Patterson, Peterman, Pickens, Planas, Poppell, Prieguez, Quinones, Regan, Rich, Richardson, Ritter, Rivera, Robaina, Roberson, Ross, Rubio, Russell, Ryan, Sansom, Seiler, Simmons, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Stargel, Sullivan, Troutman, Vana, Waters, Wiles, Wishner, Zapata

Nays—None

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

The above consideration of HB 785 was in error.

HB 923—A bill to be entitled An act relating to the Big Cypress Stewardship District, Collier County; creating and establishing an independent special district in Collier County to be known as the Big Cypress Stewardship

District; creating a charter; providing for minimum charter requirements; providing for powers of the district and compliance with county plans and regulations; providing for the sale of real estate in the district; requiring a disclosure to the purchaser; describing the boundaries of the district; providing for a board of supervisors; providing qualifications, terms of office, election procedures, powers, duties, and compensation of the board; requiring an annual landowners' meeting; providing for taxes and non-ad valorem assessments; providing for penalties on delinquent taxes; providing for enforcement of taxes and assessments; providing for the issuance of bonds; providing for liberal construction; providing for severability; providing for a referendum; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Table with 4 columns of names: Adams, Allen, Altman, Ambler, Anderson, Antone, Arza, Attkisson, Ausley, Baker, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brandenburg, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Clarke, Cretul, Culp, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Fields, Fiorentino, Galvano, Gannon, Garcia, Gardiner, Gelber, Gibson, A., Gibson, H., Goodlette, Gottlieb, Green, Greenstein, Harper, Harrell, Harrington, Hasner, Henriquez, Homan, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Littlefield, Llorente, Machek, Mahon, Mayfield, McInvale, Meadows, Meador, Murman, Murzin, Needelman, Negron, Patterson, Peterman, Pickens, Planas, Poppell, Prieguez, Quinones, Regan, Rich, Richardson, Ritter, Rivera, Robaina, Roberson, Ross, Rubio, Russell, Ryan, Sansom, Seiler, Simmons, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Stargel, Sullivan, Troutman, Vana, Waters, Wiles, Wishner, Zapata

Nays—None

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

HB 987—A bill to be entitled An act relating to Pasco County; providing legislative findings and intent with respect to monopoly water utilities; providing for a pilot project for Pasco County to facilitate county response to certain consumer complaints; permitting the chair of the board of county commissioners to establish a monopoly water utility ad hoc committee for a prescribed period; providing for the membership and duties of the committee; allowing the county commission to adopt additional technological standards to address issues relating to black water and rotten-egg odor in domestic plumbing; requiring that utilities receive notice of the standards and submit a compliance plan to the county; prohibiting the county commission from adopting standards that relate to the finances of a monopoly water utility or conflict with specified standards imposed by other regulatory bodies; providing procedures for challenging standards adopted by the county; providing for a monopoly water utility to recover certain costs of compliance with the county requirements; providing that this act supersedes conflicting

provisions of ch. 367, F.S.; providing for future repeal; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 827—A bill to be entitled An act relating to Meadow Pointe and Meadow Pointe II Community Development Districts, Pasco County; requiring owners to submit building plans to the district board under certain circumstances; permitting architectural review by each district board; providing for the enforcement of deed restrictions within each district; providing penalties; excluding certain villages from the provisions of this act; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Ausley	Berfield	Bucher
Allen	Baker	Bilirakis	Bullard
Altman	Barreiro	Bogdanoff	Byrd
Ambler	Baxley	Bowen	Cantens
Anderson	Bean	Brandenburg	Clarke
Antone	Bendross-Mindingall	Brown	Cretul
Arza	Bense	Brummer	Culp
Attkisson	Benson	Brutus	Davis, D.

Davis, M.	Hasner	Meadows	Russell
Dean	Henriquez	Mealor	Ryan
Detert	Holloway	Murman	Sansom
Domino	Homan	Murzin	Seiler
Evers	Jennings	Needelman	Simmons
Farkas	Johnson	Negron	Slosberg
Fields	Jordan	Patterson	Smith
Fiorentino	Joyner	Peterman	Sobel
Galvano	Justice	Pickens	Sorensen
Gannon	Kallinger	Planas	Spratt
Garcia	Kendrick	Poppell	Stansel
Gardiner	Kilmer	Prieguez	Stargel
Gelber	Kosmas	Quinones	Sullivan
Gibson, A.	Kottkamp	Reagan	Troutman
Gibson, H.	Kravitz	Rich	Vana
Goodlette	Kyle	Richardson	Waters
Gottlieb	Littlefield	Ritter	Wiles
Green	Llorente	Rivera	Wishner
Greenstein	Machek	Robaina	Zapata
Harper	Mahon	Roberson	
Harrell	Mayfield	Ross	
Harrington	McInvale	Rubio	

Nays—None

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

HB 1159—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and reenacting the authority's special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Bogdanoff	Evers	Hasner
Allen	Bowen	Farkas	Henriquez
Altman	Brandenburg	Fields	Holloway
Ambler	Brown	Fiorentino	Homan
Anderson	Brummer	Galvano	Jennings
Antone	Brutus	Gannon	Johnson
Arza	Bucher	Garcia	Jordan
Attkisson	Bullard	Gardiner	Joyner
Ausley	Byrd	Gelber	Justice
Baker	Cantens	Gibson, A.	Kallinger
Barreiro	Clarke	Gibson, H.	Kendrick
Baxley	Cretul	Goodlette	Kilmer
Bean	Culp	Gottlieb	Kosmas
Bendross-Mindingall	Davis, D.	Green	Kottkamp
Bense	Davis, M.	Greenstein	Kravitz
Benson	Dean	Harper	Kyle
Berfield	Detert	Harrell	Littlefield
Bilirakis	Domino	Harrington	Llorente

Machek	Pickens	Ross	Stansel
Mahon	Planas	Rubio	Stargel
Mayfield	Poppell	Russell	Sullivan
McInvale	Prieguez	Ryan	Troutman
Meadows	Quinones	Sansom	Vana
Mealor	Reagan	Seiler	Waters
Murman	Rich	Simmons	Wiles
Murzin	Richardson	Slosberg	Wishner
Needelman	Ritter	Smith	Zapata
Negron	Rivera	Sobel	
Patterson	Robaina	Sorensen	
Peterman	Roberson	Spratt	

Nays—None

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

HB 1389—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs; providing for annexation of the unincorporated area known as Ramblewood East Condominium; providing for continuation of certain regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1391—A bill to be entitled An act relating to Broward County;

providing for extending the corporate limits of the City of Lauderdale Lakes or the City of Lauderhill; providing for annexation of the unincorporated area known as Boulevard Gardens; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1393—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie, the City of Fort Lauderdale, or the City of Plantation; providing for annexation of the unincorporated area known as Broadview Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Ambler	Arza	Baker
Allen	Anderson	Attkisson	Barreiro
Altman	Antone	Ausley	Baxley

Bean	Fiorentino	Kosmas	Rivera
Bendross-Mindingall	Galvano	Kottkamp	Robaina
Bense	Gannon	Kravitz	Roberson
Benson	Garcia	Kyle	Ross
Berfield	Gardiner	Littlefield	Rubio
Bilirakis	Gelber	Llorente	Russell
Bogdanoff	Gibson, A.	Machek	Ryan
Bowen	Gibson, H.	Mahon	Sansom
Brandenburg	Goodlette	Mayfield	Seiler
Brown	Gottlieb	McInvale	Simmons
Brummer	Green	Meadows	Slosberg
Brutus	Greenstein	Mealor	Smith
Bucher	Harper	Murman	Sobel
Bullard	Harrell	Murzin	Sorensen
Byrd	Harrington	Needelman	Spratt
Cantens	Hasner	Negron	Stansel
Clarke	Henriquez	Patterson	Stargel
Cretul	Holloway	Peterman	Sullivan
Culp	Homan	Pickens	Troutman
Davis, D.	Jennings	Planas	Vana
Davis, M.	Johnson	Poppell	Waters
Dean	Jordan	Prieguez	Wiles
Detert	Joyner	Quinones	Wishner
Domino	Justice	Reagan	Zapata
Evers	Kallinger	Rich	
Farkas	Kendrick	Richardson	
Fields	Kilmer	Ritter	

Nays—None

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

HB 1395—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation; providing for annexation of the unincorporated area known as Broward Estates; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing for effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Brandenburg	Galvano	Jordan
Allen	Brown	Gannon	Joyner
Altman	Brummer	Garcia	Justice
Ambler	Brutus	Gardiner	Kallinger
Anderson	Bucher	Gelber	Kendrick
Antone	Bullard	Gibson, A.	Kilmer
Arza	Byrd	Gibson, H.	Kosmas
Attkisson	Cantens	Goodlette	Kottkamp
Ausley	Clarke	Gottlieb	Kravitz
Baker	Cretul	Green	Kyle
Barreiro	Culp	Greenstein	Littlefield
Baxley	Davis, D.	Harper	Llorente
Bean	Davis, M.	Harrell	Machek
Bendross-Mindingall	Dean	Harrington	Mahon
Bense	Detert	Hasner	Mayfield
Benson	Domino	Henriquez	McInvale
Berfield	Evers	Holloway	Meadows
Bilirakis	Farkas	Homan	Mealor
Bogdanoff	Fields	Jennings	Murman
Bowen	Fiorentino	Johnson	Murzin

Needelman	Rich	Sansom	Sullivan
Negron	Richardson	Seiler	Troutman
Patterson	Ritter	Simmons	Vana
Peterman	Rivera	Slosberg	Waters
Pickens	Robaina	Smith	Wiles
Planas	Roberson	Sobel	Wishner
Poppell	Ross	Sorensen	Zapata
Prieguez	Rubio	Spratt	
Quinones	Russell	Stansel	
Reagan	Ryan	Stargel	

Nays—None

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

HB 1397—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes or the City of Lauderhill; providing for annexation of the unincorporated area known as St. George; providing for an election; providing an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain regulations; providing for the continuation of certain rights; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1399—A bill to be entitled An act relating to Broward County;

providing for extending the corporate limits of the City of Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as Twin Lakes North; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1407—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Deerfield Beach; providing for annexation of specified unincorporated areas; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Anderson	Ausley	Bean
Allen	Antone	Baker	Bendross-Mindingall
Altman	Arza	Barreiro	Bense
Ambler	Attkisson	Baxley	Benson

Berfield	Garcia	Kravitz	Robaina
Bilirakis	Gardiner	Kyle	Roberson
Bogdanoff	Gelber	Littlefield	Ross
Bowen	Gibson, A.	Llorente	Rubio
Brandenburg	Gibson, H.	Machek	Russell
Brown	Goodlette	Mahon	Ryan
Brummer	Gottlieb	Mayfield	Sansom
Brutus	Green	McInvale	Seiler
Bucher	Greenstein	Meadows	Simmons
Bullard	Harper	Mealor	Slosberg
Byrd	Harrell	Murman	Smith
Cantens	Harrington	Murzin	Sobel
Clarke	Hasner	Needelman	Sorensen
Cretul	Henriquez	Negron	Spratt
Culp	Holloway	Patterson	Stansel
Davis, D.	Homan	Peterman	Stargel
Davis, M.	Jennings	Pickens	Sullivan
Dean	Johnson	Planas	Troutman
Detert	Jordan	Poppell	Vana
Domino	Joyner	Prieguez	Waters
Evers	Justice	Quinones	Wiles
Farkas	Kallinger	Reagan	Wishner
Fields	Kendrick	Rich	Zapata
Fiorentino	Kilmer	Richardson	
Galvano	Kosmas	Ritter	
Gannon	Kottkamp	Rivera	

Nays—None

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

HB 1409—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Pompano Beach or the City of Deerfield Beach; providing for annexation of the unincorporated area known as the Pompano Highlands; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Brummer	Gelber	Kosmas
Allen	Brutus	Gibson, A.	Kottkamp
Altman	Bucher	Gibson, H.	Kravitz
Ambler	Bullard	Goodlette	Kyle
Anderson	Byrd	Gottlieb	Littlefield
Antone	Cantens	Green	Llorente
Arza	Clarke	Greenstein	Machek
Attkisson	Cretul	Harper	Mahon
Ausley	Culp	Harrell	Mayfield
Baker	Davis, D.	Harrington	McInvale
Barreiro	Davis, M.	Hasner	Meadows
Baxley	Dean	Henriquez	Mealor
Bean	Detert	Holloway	Murman
Bendross-Mindingall	Domino	Homan	Murzin
Bense	Evers	Jennings	Needelman
Benson	Farkas	Johnson	Negron
Berfield	Fields	Jordan	Patterson
Bilirakis	Fiorentino	Joyner	Peterman
Bogdanoff	Galvano	Justice	Pickens
Bowen	Gannon	Kallinger	Planas
Brandenburg	Garcia	Kendrick	Poppell
Brown	Gardiner	Kilmer	Prieguez

Quinones	Ross	Smith	Vana
Reagan	Rubio	Sobel	Waters
Rich	Russell	Sorensen	Wiles
Richardson	Ryan	Spratt	Wishner
Ritter	Sansom	Stansel	Zapata
Rivera	Seiler	Stargel	
Robaina	Simmons	Sullivan	
Roberson	Slosberg	Troutman	

for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Nays—None

Yeas—117

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

HB 1417—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Pompano Beach; providing for annexation of specified unincorporated areas; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for the transfer of Broward County roads and rights-of-way; providing an effective date.

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

HB 1487—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Rock Island; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Nays—None

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

HB 1485—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as North Andrews Gardens; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing

Adams	Ausley	Berfield	Bucher
Allen	Baker	Bilirakis	Bullard
Altman	Barreiro	Bogdanoff	Byrd
Ambler	Baxley	Bowen	Cantens
Anderson	Bean	Brandenburg	Clarke
Antone	Bendross-Mindingall	Brown	Cretul
Arza	Bense	Brummer	Culp
Attkisson	Benson	Brutus	Davis, D.

Davis, M.	Hasner	Meadows	Russell
Dean	Henriquez	Mealor	Ryan
Detert	Holloway	Murman	Sansom
Domino	Homan	Murzin	Seiler
Evers	Jennings	Needelman	Simmons
Farkas	Johnson	Negron	Slosberg
Fields	Jordan	Patterson	Smith
Fiorentino	Joyner	Peterman	Sobel
Galvano	Justice	Pickens	Sorensen
Gannon	Kallinger	Planas	Spratt
Garcia	Kendrick	Poppell	Stansel
Gardiner	Kilmer	Prieguez	Stargel
Gelber	Kosmas	Quinones	Sullivan
Gibson, A.	Kottkamp	Reagan	Troutman
Gibson, H.	Kravitz	Rich	Vana
Goodlette	Kyle	Richardson	Waters
Gottlieb	Littlefield	Ritter	Wiles
Green	Llorente	Rivera	Wishner
Greenstein	Machek	Robaina	Zapata
Harper	Mahon	Roberson	
Harrell	Mayfield	Ross	
Harrington	McInvale	Rubio	

Nays—None

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

HB 237—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Clarke	Holloway	Pickens
Allen	Cretul	Homan	Planas
Altman	Culp	Jennings	Poppell
Ambler	Davis, D.	Johnson	Prieguez
Anderson	Davis, M.	Jordan	Quinones
Antone	Dean	Joyner	Reagan
Arza	Detert	Justice	Rich
Attkisson	Domino	Kallinger	Richardson
Ausley	Evers	Kendrick	Ritter
Baker	Farkas	Kilmer	Rivera
Barreiro	Fields	Kosmas	Robaina
Baxley	Fiorentino	Kottkamp	Roberson
Bean	Galvano	Kravitz	Ross
Bendross-Mindingall	Gannon	Kyle	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Machek	Sansom
Bilirakis	Gibson, A.	Mahon	Seiler
Bogdanoff	Gibson, H.	Mayfield	Simmons
Bowen	Goodlette	McInvale	Slosberg
Brandenburg	Gottlieb	Meadows	Smith
Brown	Green	Mealor	Sobel
Brummer	Greenstein	Murman	Sorensen
Brutus	Harper	Murzin	Spratt
Bucher	Harrell	Needelman	Stansel
Bullard	Harrington	Negron	Stargel
Byrd	Hasner	Patterson	Sullivan
Cantens	Henriquez	Peterman	Troutman

Vana	Wiles	Wishner	Zapata
Waters			

Nays—None

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

The above consideration of HB 237 was in error.

CS for SB 2588—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; deleting a resident agent requirement for certain property, casualty, and surety insurers; amending s. 624.426, F.S.; conforming provisions; amending s. 624.428, F.S.; providing that an insurer must deliver certain policies through a resident or nonresident agent; amending s. 626.025, F.S.; requiring surplus lines agents to comply with consumer protection laws; deleting provisions prohibiting certain actions by nonresident agents, to conform; amending s. 626.741, F.S.; deleting a prohibition against nonresident general lines agents having offices in this state; conforming provisions; amending s. 626.752, F.S.; conforming provisions; amending s. 626.753, F.S.; conforming provisions; repealing s. 626.792(3), F.S.; deleting a prohibition against nonresident life insurance agents having offices in this state; repealing s. 626.835(3), F.S.; deleting a prohibition against nonresident health insurance agents having offices in this state; creating s. 626.9272, F.S.; providing requirements for the licensure of nonresident surplus lines agents; amending s. 626.929, F.S.; conforming provisions; amending s. 626.933, F.S.; allowing the department to authorize the Florida Surplus Lines Service Office to file suit on its behalf; amending s. 626.930, F.S.; conforming provisions; amending s. 626.935, F.S.; providing additional grounds for discipline of licensees; providing an effective date.

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

Session Vote Sequence: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

The above consideration of CS for SB 2588 was in error.

HB 1887—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 381.0273, F.S.; providing that patient identifying information held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, and contractors and information that identifies the person or entity reporting patient safety data are confidential and exempt from public records requirements; authorizing certain disclosure of such information; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, and contractors at which such information is discussed are exempt from public meetings requirements; providing that minutes of those portions of exempt meetings are confidential and exempt from public records requirements; 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: 904

Speaker Byrd in the Chair.

Yeas—117

Adams	Culp	Jordan	Rich
Allen	Davis, D.	Joyner	Richardson
Altman	Davis, M.	Justice	Ritter
Ambler	Dean	Kallinger	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kilmer	Roberson
Arza	Evers	Kosmas	Ross
Attkisson	Farkas	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Kyle	Ryan
Barreiro	Galvano	Littlefield	Sansom
Baxley	Gannon	Llorente	Seiler
Bean	Garcia	Machek	Simmons
Bendross-Mindingall	Gardiner	Mahon	Slosberg
Bense	Gelber	Mayfield	Smith
Benson	Gibson, A.	McInvale	Sobel
Berfield	Gibson, H.	Meadows	Sorensen
Bilirakis	Goodlette	Mealor	Spratt
Bogdanoff	Gottlieb	Murman	Stansel
Bowen	Green	Murzin	Stargel
Brandenburg	Greenstein	Needelman	Sullivan
Brown	Harper	Negron	Troutman
Brummer	Harrell	Patterson	Vana
Brutus	Harrington	Peterman	Waters
Bucher	Hasner	Pickens	Wiles
Bullard	Henriquez	Planas	Wishner
Byrd	Holloway	Poppell	Zapata
Cantens	Homan	Prieguez	
Clarke	Jennings	Quinones	
Cretul	Johnson	Reagan	

Nays—None

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

The above consideration of HB 1887 was in error.

Reconsideration of HB 237, CS for SB 2588, and HB 1887

On motion by Rep. Kilmer, the House reconsidered the votes by which HB

237, CS for SB 2588, and HB 1887 passed.

HB 237—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

The question recurred on the passage of HB 237.

Pending roll call, further consideration of **HB 237** was temporarily postponed under Rule 11.10.

HB 1887—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 381.0273, F.S.; providing that patient identifying information held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, and contractors and information that identifies the person or entity reporting patient safety data are confidential and exempt from public records requirements; authorizing certain disclosure of such information; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, and contractors at which such information is discussed are exempt from public meetings requirements; providing that minutes of those portions of exempt meetings are confidential and exempt from public records requirements; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

The question recurred on the passage of HB 1887.

Pending roll call, further consideration of **HB 1887** was temporarily postponed under Rule 11.10.

CS for SB 2588—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; deleting a resident agent requirement for certain property, casualty, and surety insurers; amending s. 624.426, F.S.; conforming provisions; amending s. 624.428, F.S.; providing that an insurer must deliver certain policies through a resident or nonresident agent; amending s. 626.025, F.S.; requiring surplus lines agents to comply with consumer protection laws; deleting provisions prohibiting certain actions by nonresident agents, to conform; amending s. 626.741, F.S.; deleting a prohibition against nonresident general lines agents having offices in this state; conforming provisions; amending s. 626.752, F.S.; conforming provisions; amending s. 626.753, F.S.; conforming provisions; repealing s. 626.792(3), F.S.; deleting a prohibition against nonresident life insurance agents having offices in this state; repealing s. 626.835(3), F.S.; deleting a prohibition against nonresident health insurance agents having offices in this state; creating s. 626.9272, F.S.; providing requirements for the licensure of nonresident surplus lines agents; amending s. 626.929, F.S.; conforming provisions; amending s. 626.933, F.S.; allowing the department to authorize the Florida Surplus Lines Service Office to file suit on its behalf; amending s. 626.930, F.S.; conforming provisions; amending s. 626.935, F.S.; providing additional grounds for discipline of licensees; providing an effective date.

The question recurred on the passage of CS for SB 2588.

Reconsideration of Amendment 1 to CS for SB 2588

On motion by Rep. Berfield, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** was adopted.

Representative Berfield offered the following:

(Amendment Bar Code: 595447)

Amendment 1 to Amendment 1—Remove line 315, and insert: quote for the policy and at the time of each renewal of

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

Representative Berfield offered the following:

(Amendment Bar Code: 677769)

Amendment 2 to Amendment 1—Remove line 560, and insert: covered claim shall not apply to employers who, prior

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

Representative Clarke offered the following:

(Amendment Bar Code: 910789)

Amendment 3 to Amendment 1 (with title amendment)—After line 726, insert:

Section 43. Subsection (4) is added to section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.--

(4) Notwithstanding the provisions of s. 440.42(3), if cancellation of a policy providing coverage for workers' compensation and employer's liability insurance is requested by the insured, such cancellation shall be effective on the date the carrier sends the notice of cancellation to the insured.

After line 791, insert:
amending s. 627.4133, F.S.; providing for an effective date of certain policy cancellations by insureds;

Rep. Clarke 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.

Representative Patterson offered the following:

(Amendment Bar Code: 880001)

Amendment 2 (with title amendment)—On page 16, between line(s) 3 and 4, insert:

Section 15. Subsection (1) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.--

(1) The department or office shall, in its order suspending a license or appointment or in its order suspending the eligibility of a person to hold or apply for such license or appointment, specify the period during which the suspension is to be in effect; but such period shall not exceed 2 years. The license, appointment, or eligibility shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department or office, or modification or reversal thereof by the court, prior to expiration of the suspension period. A license, appointment, or eligibility which has been suspended shall not be reinstated except upon request for such reinstatement and, in the case of a second suspension, completion of continuing education courses prescribed and approved by the department or office; but the department or office shall not grant such reinstatement if it finds that the circumstance or circumstances for which the license, appointment, or eligibility was suspended still exist or are likely to recur.

Section 16. For the purpose of incorporating the amendment to section 626.641, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 626.935, Florida Statutes, is reenacted to read:

626.935 Suspension, revocation, or refusal of surplus lines agent's license.--

(4) The following sections also apply, to the extent so applicable, as to surplus lines agents:

(a) Section 626.641.

On page 2, line(s) 3, insert after the semicolon:
amending s. 626.641, F.S.; requiring continuing education courses for reinstatement of a license, appointment, or eligibility after a second

suspension; providing duties of the Department of Financial Services or the Office of Insurance Regulation of the Financial Services Commission; reenacting s. 626.935(4)(a), F.S., relating to the suspension, revocation, or refusal of a surplus lines agent's license, to incorporate the amendment to s. 626.641, F.S., in a reference thereto;

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

Motion

Rep. Berfield moved that Rule 10.11 be waived and the House vote on the passage of CS for SB 2588, which was not agreed to. The vote was:

Session Vote Sequence: 905

Speaker Byrd in the Chair.

Yeas—72

Adams	Brummer	Homan	Poppell
Allen	Clarke	Jordan	Prieguez
Altman	Cretul	Kallinger	Quinones
Ambler	Culp	Kilmer	Rivera
Anderson	Davis, D.	Kottkamp	Robaina
Arza	Davis, M.	Kravitz	Ross
Attkisson	Dean	Kyle	Rubio
Baker	Detert	Littlefield	Russell
Barreiro	Domino	Llorente	Sansom
Baxley	Evers	Mahon	Simmons
Bean	Farkas	Mayfield	Sobel
Bense	Galvano	Mealor	Sorensen
Benson	Garcia	Murman	Spratt
Berfield	Gardiner	Murzin	Stargel
Bilirakis	Gibson, H.	Needelman	Sullivan
Bogdanoff	Green	Negron	Troutman
Bowen	Harrell	Patterson	Waters
Brown	Hasner	Pickens	Zapata

Nays—39

Antone	Gelber	Joyner	Ritter
Ausley	Gibson, A.	Justice	Roberson
Bendross-Mindingall	Goodlette	Kendrick	Ryan
Brandenburg	Gottlieb	Kosmas	Seiler
Brutus	Greenstein	Machek	Slosberg
Bucher	Harper	McInvale	Stansel
Bullard	Henriquez	Meadows	Vana
Fields	Holloway	Peterman	Wiles
Fiorentino	Jennings	Rich	Wishner
Gannon	Johnson	Richardson	

Votes after roll call:

Yeas—Harrington, Planas, Reagan

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

Waiver of the Rules for Committee and Subcommittee Meetings and Bills

On motion by Rep. Murman, Co-Chair of the Subcommittee on Rules, the rules were waived and the Committee on Appropriations was given permission to add PCB-AP-04-39 to the agenda for its meeting Monday, April 26, at 9:00 a.m., in the Knott Building, Room 212.

Motion

On motion by Rep. Murman, the following bills were added to the

Conference Committee on General Appropriations: HB 1839, HB 1841, HB 1847, HB 1849, HB 1851, HB 1853, HB 1859, HB 1863, HB 1865, HB 1869, HB 1871, HB 1873, HB 1877, HB 1879, HB 1881, HB 1883, and CS for SB 2512.

Motion to Adjourn

Rep. Bense moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 10:50 a.m., Monday, April 26, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 11.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1313.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

First Reading by Publication

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 44 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Criminal Justice, Judiciary and Senator Villalobos—

CS for CS for SB 44—A bill to be entitled An act relating to DNA evidence; amending s. 925.11, F.S.; extending the period following sentencing during which a petition may be filed or considered by the court to order the testing of criminal DNA evidence; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 686, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Jones—

SB 686—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term "local mitigation strategy"; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written

agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2056 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Aronberg, Smith and Bullard—

SB 2056—A bill to be entitled An act relating to corporations not for profit; amending s. 617.0505, F.S.; providing exceptions to a prohibition against such corporations paying dividends to members, officers, or directors; authorizing a corporation to make distributions to certain nonprofit corporations or governmental entities; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2496 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

CS for SB 2496—A bill to be entitled An act relating to public records and public meetings; creating s. 288.982, F.S.; creating an exemption from public records requirements for specified records relating to military installations and military missions subject to the United States Department of Defense Base Realignment and Closure 2005 process and agreements and proposals to relocate or realign military units and missions which are held by the Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., or the Office of Tourism, Trade, and Economic Development; creating an exemption from public meetings requirements for meetings of the advisory council, or a committee or subcommittee of the advisory council, at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during meetings of the advisory council, or a committee or subcommittee of the advisory council or office, which are closed to the public; providing a penalty; providing for repeal of the act; providing access to confidential and exempt records upon repeal of the act; providing a statement of public necessity; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2646 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senator Webster—

CS for SB 2646—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs; providing for disposition of balances in and revenues of the trust funds; declaring findings of the Legislature that specified trust funds within the Executive Office of the Governor, the Department of Transportation, the Department of Community Affairs, and the Department of

Highway Safety and Motor Vehicles are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 445.0324(5), F.S.; abrogating provisions relating to the termination of the Welfare Transition Trust Fund within the Agency for Workforce Innovation; amending s. 252.373, F.S.; revising provisions specifying the use of funds in the Emergency Management, Preparedness, and Assistance Trust Fund within the Department of Community Affairs; amending s. 120.55, F.S.; requiring that fees and moneys collected for the publication and distribution of the Florida Administrative Code and Florida Administrative Weekly be deposited in the Records Management Trust Fund of the Department of State; deleting provisions authorizing the Department of State to collect a surcharge for costs relating to publication of the Florida Administrative Weekly; amending s. 443.211, F.S.; requiring that funds collected for certain information services be deposited into the Employment Security Administration Trust Fund; amending ss. 322.08 and 320.02, F.S.; providing that certain contributions received in connection with a driver's license application or motor vehicle registration are not income of a revenue nature for purposes of a service charge imposed on certain trust funds; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2648 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Clary—

SB 2648—A bill to be entitled An act relating to trust funds; re-creating the Regulatory Trust Fund within the Department of Financial Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2720 and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

CS for SB 2720—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; authorizing waiver of certain requirements in excess of a baccalaureate degree for applicants for licensure as a certified public accountant who meet certain prior employment criteria; amending s. 473.311, F.S.; requiring completion of required continuing education in ethics prior to taking the examination required for renewal of license; amending s. 473.312, F.S.; requiring a certain amount of continuing education to be in ethics; providing course requirements and requirements for course providers; providing an effective date.

Referred to the Calendar of the House.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Kyle:

Yeas to Nays—March 23: 737

Rep. Ross:

Nays—April 22: 873

Rep. Simmons:

Yeas—April 22: 864, 867, 868

Nays—April 21: 856; April 22: 866

Explanation of Vote for Sequence Number 743

Voted Yea in error

*Rep. John "Q" Quinones
District 49*

Explanation of Vote for Sequence Number 785

Voted Nay in error

*Rep. John "Q" Quinones
District 49*

Explanation of Vote for Sequence Number 802

Voted Nay in error

*Rep. John "Q" Quinones
District 49*

First-named Sponsors

HB 1985—Needelman

Withdrawals as First-named Sponsor

HB 1985—Barreiro

Cosponsors

HB 87—Kallinger

HB 105—Kallinger

HB 109—Rubio

HB 157—Farkas, Vana

HB 163—Kallinger

HB 195—Kallinger

HB 313—Goodlette

HB 341—Bendross-Mindingall, Gannon

HB 409—D. Davis

HB 479—Harrell

HB 511—Ambler

HB 569—Kallinger

HB 593—Kallinger

HB 599—Kallinger

HB 635—Rich

HB 645—Bendross-Mindingall, Quinones

HB 647—Altman, Berfield, Bogdanoff, Brutus, Bullard, Carroll, D. Davis, Harrell, Holloway, Jordan, Kallinger, Kendrick, Kosmas, Kottkamp, Littlefield, Rubio, Stargel, Sullivan, Vana

HB 675—Zapata

HB 715—Rubio

HB 735—McInvale, Needelman

HB 739—Quinones

HB 745—Allen, Dean, Kilmer, Llorente, Patterson, Roberson, Ross, Russell

HB 749—Bendross-Mindingall, Bullard, Cusack, Harper, Jennings

HB 849—Antone, Gardiner, Kallinger, McInvale, Mealor, Patterson

HB 887—Bendross-Mindingall, Kallinger

HB 915—Bullard, Kallinger

HB 983—Rich

HB 995—Kallinger

HB 1009—Ambler

HB 1025—Bendross-Mindingall

HB 1059—Quinones

HB 1087—Sobel

HB 1095—Bendross-Mindingall

HB 1105—Sorensen

HB 1127—Kallinger, Sobel

HB 1175—Kallinger

HB 1183—Ambler

HB 1201—Farkas

HM 1229—Zapata

HB 1245—Bendross-Mindingall, Cretul

HB 1271—Kallinger

HB 1313—Troutman

HB 1323—Kallinger

HB 1341—Kallinger

HB 1361—Kallinger

HB 1363—Sobel

HB 1383—Zapata

HB 1573—Troutman

HB 1625—Green

HB 1629—Homan

HB 1725—Troutman

HB 1751—Bendross-Mindingall

HB 1757—Allen, Green

HB 1823—Kallinger

HR 1945—Baxley

HJR 1947—Goodlette

HJR 1949—Goodlette

HJR 1951—Goodlette

HB 1965—Kallinger, Quinones

HR 1967—Kendrick

HJR 1979—Goodlette

HB 1985—Barreiro

HR 9009—Kallinger

HR 9025—Anderson, Kallinger

HR 9053—Kallinger

HR 9085—Kosmas

HR 9105—Brutus

HR 9135—Kallinger

Introduction and Reference

By the Committee on Public Safety & Crime Prevention; Representative Barreiro—

HB 2001—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; revising provisions related to administrative probation; amending s. 948.01, F.S.; correcting a cross reference; transferring and renumbering provisions governing probation and community control as s. 948.10(10), F.S.; transferring and renumbering provisions authorizing a split sentence of probation or community control and imprisonment as s. 948.012(1), F.S.; amending s. 948.01, F.S.; prohibiting a private entity from providing probation or supervision services to certain offenders; transferring and renumbering provisions relating to violations of community control as s. 948.10(9), F.S.; transferring and renumbering provisions restricting the placement of certain offenders into community control as s. 948.10(2), F.S.; transferring and renumbering provisions authorizing split sentencing as s. 948.012(2) and (3), F.S.; deleting a cross reference, to conform; transferring and renumbering provisions relating to drug offender probation as s. 948.20, F.S.; transferring and renumbering provisions governing community control and criminal quarantine community control as s. 948.101(3), F.S.; transferring and renumbering provisions relating to administrative probation as s. 948.013(2), F.S.; amending s. 948.011, F.S.; clarifying circumstances under which the court may impose a fine or place an offender on probation or community control; amending s. 948.03, F.S., as amended by ch. 2003-402, Laws of Florida; conforming cross references; deleting references to community control; providing for submission of blood or other biological specimens as a standard condition of probation; transferring and renumbering provisions relating to intensive supervision and surveillance as s. 948.101(1)(a) and (b), F.S.; authorizing the court to impose additional terms or conditions of community control; providing limitations; amending, transferring, and renumbering provisions

governing electronic monitoring as s. 948.11(1) through (4), F.S.; requiring persons who are being electronically monitored to pay a surcharge; transferring and renumbering provisions governing the diagnosis, evaluation, and treatment of certain sex offenders as s. 948.31, F.S.; transferring and renumbering provisions governing additional terms and conditions of probation or community control for certain sex offenses as s. 948.30, F.S.; clarifying a requirement for submitting blood and other specimens; transferring and renumbering provisions relating to residential treatment as s. 948.035, F.S.; deleting obsolete references; transferring and renumbering provisions relating to work programs as s. 948.036, F.S.; transferring and renumbering provisions relating to education and learning as a condition of probation or community control as s. 948.037, F.S.; transferring and renumbering provisions relating to the submission of blood specimens as s. 948.014, F.S.; providing for the submission of other biological specimens; transferring and renumbering provisions relating to a batterers' intervention program as s. 948.038, F.S.; deleting an obsolete reference; creating s. 948.039, F.S.; authorizing the court to impose special terms and conditions of probation or community control, including requiring the offender to attend an HIV/AIDS awareness program and pay certain costs; amending s. 948.06, F.S., relating to procedures following an arrest of an offender for a violation of probation or community control; transferring and renumbering provisions relating to the arrest of persons for certain sex offenses as s. 948.32, F.S.; amending s. 948.09, F.S.; requiring an offender under addiction-recovery supervision to pay the cost of supervision; amending s. 948.10, F.S.; correcting a cross reference; amending ss. 948.04, 440.02, 775.21, 812.0155, 921.0017, 921.187, 947.23, and 958.14, F.S.; revising cross references, to conform; reenacting ss. 944.4731(2)(b) and (7)(b), 948.01(8), and 948.06(5), F.S., relating to the Addiction-Recovery Supervision Program, when the court may place a defendant on probation or into community control, and violations of probation or community control, respectively, for the purpose of incorporating the amendment to s. 948.09, F.S., in references thereto; reenacting s. 947.1747, F.S., relating to community control as a special condition of parole, for the purpose of incorporating the amendment to s. 948.10, F.S., in a reference thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Reference

- HB 1935**—Referred to the Calendar of the House.
- HB 1971**—Referred to the Calendar of the House.
- HB 1973**—Referred to the Calendar of the House.
- HB 1975**—Referred to the Committee on Appropriations.
- HB 1981**—Referred to the Calendar of the House.
- HB 1983**—Referred to the Calendar of the House.
- HB 1985**—Referred to the Committee on Appropriations.
- HB 1987**—Referred to the Committee on Appropriations.
- HB 1989**—Referred to the Committee on Appropriations.
- HB 1991**—Referred to the Calendar of the House.
- HB 1993**—Referred to the Calendar of the House.
- HB 1995**—Referred to the Calendar of the House.
- HB 1997**—Referred to the Calendar of the House.
- HB 1999**—Referred to the Calendar of the House.
- HR 9143**—Referred to the Calendar of the House.

HR 9151—Referred to the Calendar of the House.

Additional Reference of Bills

HB 53 was removed from the Subcommittee on Commerce & Local Affairs Appropriations and remains referred to the Committee on Appropriations.

HB 519 was removed from the Subcommittee on Commerce & Local Affairs Appropriations and remains referred to the Committee on Health Care and the Committee on Appropriations.

HB 1405 was removed from the Committee on Finance & Tax and placed on the Calendar of the House.

HB 1605 was removed from the Committee on Finance & Tax and placed on the Calendar of the House.

HB 1801 was removed from the Subcommittee on Public Safety Appropriations and remains referred to the Committee on Appropriations.

House Resolutions Adopted by Publication

At the request of Rep. Richardson—

HR 9125—A resolution honoring Gadsden County Sheriff William A. Woodham.

WHEREAS, with a career in law enforcement dating back to 1966 when he became a trooper in the Florida Highway Patrol, William A. Woodham was appointed Sheriff of Gadsden County on April 14, 1971, was subsequently elected to that office in 1972, and has been reelected every four years since that time to become the longest-serving sheriff currently in office in Florida, and

WHEREAS, William A. Woodham was born May 20, 1941, in Dothan, Alabama, received his childhood education in the public schools of that city, and earned an Associate of Arts Degree from Chipola Junior College and a Bachelor of Science in Criminology and Corrections from Florida State University, and

WHEREAS, Sheriff Woodham has received numerous honors during his tenure in office, including his having been named Gadsden County's Law Enforcement Officer of the Year, recognized by Big Bend Law Enforcement Association for "heroic actions" leading to the apprehension of a kidnapper, and appointed to the Florida Governor's Commission on Child Support Enforcement; and he has held the elective offices of Vice President, Chairman of the Board, and President of the Florida Sheriff's Association, and

WHEREAS, Sheriff Woodham, recently recognized by his peers as "Dean of Florida Sheriffs" in acknowledgment of his having served the greatest number of years in office among currently serving sheriffs, has chosen to retire in November 2004 after more than 33 years as Sheriff of Gadsden County, and

WHEREAS, Sheriff Woodham, with his wife, Karen, and their three children, has been a much respected part of the social and civic affairs of the Gadsden community and has made monumental contributions in the area of law enforcement in the county, NOW, THEREFORE,

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

That Sheriff William A. Woodham is honored for his faithful service to the citizens of Gadsden County and to the State of Florida, is congratulated upon his pending retirement, and is wished much success and happiness during the years to come.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to William A. Woodham, Sheriff of Gadsden County, Florida, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.18.

At the request of Rep. Wiles—

HR 9137—A resolution honoring the memory of Charles "Chuck" Sease, Deputy Sheriff of Flagler County.

WHEREAS, on Saturday morning, July 5, 2003, Flagler County Deputy Charles "Chuck" Sease lost his life in the line of duty, and

WHEREAS, Deputy Sease, 35, had been with the Flagler County Sheriff's Office for only two months, having begun his career in law enforcement in Connecticut in 1998, and

WHEREAS, Deputy Sease was the first member of the close-knit force of 80 road patrol officers and 33 detention deputies to be killed in action in Flagler County since 1927, and his death left the small Palm Coast community in shocked disbelief and deep mourning, and

WHEREAS, recalled as a respected law enforcement officer and a "great guy who loved his job and lost his life," Deputy Sease, husband and father, is remembered with great sadness and much gratitude on the occasion of the nine-month anniversary of his death, NOW, THEREFORE,

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

That the House of Representatives pauses to honor the memory of Flagler County Sheriff's Deputy Charles "Chuck" Sease and to express its sorrow at the untimely death of one of "America's finest."

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Susan Sease, wife of Deputy Charles "Chuck" Sease, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.18.

Reports of Standing Committees

Received April 22:

The Committee on Public Safety & Crime Prevention reported the following favorably:

HB 1801 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.

Received April 23:

The Committee on Appropriations reported the following favorably:
HB 87

The above bill was placed on the Calendar of the House.

The Committee on Appropriations reported the following favorably:
HB 191 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Education K-20 reported the following favorably:

HB 303 with committee substitute.

The above bill was transmitted to the next committee of reference, the Subcommittee on Education Appropriations, subject to review under Rule 6.3.

The Committee on Appropriations reported the following favorably:
HB 469

The above bill was placed on the Calendar of the House.

The Committee on Appropriations reported the following favorably:
HB 1583 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills which he approved:

April 22—HB 495 and HB 511

Excused

Rep. Carroll after 4:00 p.m.; Reps. Cusack, Paul

The following Conference Committee Managers were excused from time to time:

HBs 1835, 1837, 1843, 1845, 1855, 1857, 1875: Rep. Kyle, Chair; Rep. Murman, Vice Chair; At Large—Reps. Bense, Greenstein, Harrington, Jennings, Rubio, Cantens, and Richardson; Agriculture & Environment—Rep. Baker, Chair, Reps. Evers, Poppell, Spratt, Clarke, M. Davis, Troutman, and Harper; Commerce & Local Affairs—Rep. Brummer, Chair, Reps. Brown, D. Davis, Quinones, Sorensen, Robaina, and Bullard; Education—Rep. Simmons, Chair, Reps. Cretul, Kilmer, Sansom, Pickens, Kravitz, Arza, Baxley, Carroll, Bendross-Mindingall, and Rivera; Health—Rep. Green, Chair, Reps. Farkas, Garcia, Slosberg, Roberson, Harrington, and Harrell; Human Services—Rep. Murman, Chair, Reps. Anderson, Bean, H. Gibson, and Sobel; Judicial Appropriations—Rep. Negron, Chair, Reps. Benson, Kottkamp, Mahon, Planas, Stargel, and Holloway; Public Safety—Rep. Bilirakis, Chair, Reps. Barreiro, Needelman, Adams, Dean, and Henriquez; Transportation and Economic Development—Rep. Waters, Chair, Reps. Berfield, Gardiner, Llorente, Russell, Cusack, and Slosberg.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:23 p.m., to reconvene at 10:50 a.m., Monday, April 26, or upon call of the Chair.