The Journal OF THE *House of Representatives*

Number 24 **Wednesday, April 27, 2005**

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Ron Meade of Lakewood Church of Crestview, upon invitation of Rep. Brown:

Gracious Lord of heaven and earth, with grateful hearts, we take this moment in these very pressured days to offer up thanks. We especially want to thank You for the strength You give to us each and every day of our lives.

We pray for wisdom, discernment in making such important decisions. We pray for those today, those men and women of this distinguished legislative body. We ask and remember those whose hearts may be heavy and even oppressed because of some burden that weighs heavily upon them this morning. We ask, give Your special strength, then remind us all that today is the day the Lord has made. We will rejoice and be glad in it. For Your great blessings, we give You thanks, for it is in Your name we pray. Amen.

The following members were recorded present:

Session Vote Sequence: 251

Speaker Bense in the Chair.

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

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

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Haley Bowen of Winter Park at the invitation of Rep. McInvale; Dayna M. Cline of Riverview at the invitation of the Speaker pro tempore; Christian Foster of New Port Richey at the invitation of Rep. Dean; Elizabeth Garcia of Tallahassee at the invitation of Rep. Gannon; and Katelyn Rose Levine of Tallahassee at the invitation of Rep. Bilirakis.

House Physician

The Speaker introduced Dr. Thomas B. Anderson of Oldsmar, who served in the Clinic today upon invitation of his cousin, Rep. Anderson.

Correction of the *Journal*

The *Journal* of April 26 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense April 22, 2005
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Wednesday, April 27, 2005. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House

Calendar.

I. Consideration of the following bills:

HB 1865 CS - Growth Management Committee, Johnson
Growth Management Incentives

HB 1901 CS - Business Regulation Committee, Attkisson
Pari-mutuel Wagering

HB 1903 CS - Business Regulation Committee, Attkisson
Public Records

HB 263 CS - Kyle, Adams & others
Judiciary

HB 1927 CS - Spaceport & Technology Committee, Allen
Information Technology Management

HB 785 CS - Gelber, Porth
Asbestos-Related Claims

HB 1925 CS - Judiciary Committee, Simmons & others
Class Action Lawsuits

HB 317 - Mahon, Porth
Trespass

HB 1437 CS - Goodlette, Hasner
Viatical Settlements

HB 505 CS - Murzin
Communications Services Tax

II. Consideration of the following bill(s) on Consent Calendar:

HB 517 CS - Cannon, Flores & others
University Campus Master Plans and Campus Development Agreements

HB 107 CS - Lopez-Cantera, Cannon & others
Community Residential Homes

HB 341 CS - Robaina, Cannon & others
Wrecker Services

HB 285 CS - Hukill, Bendross-Mindingall & others
Right to a Speedy Trial

HB 193 CS - Hasner, Bullard & others
Hazing

HB 111 CS - Dean, Poppell & others
Administrative Expunction of Nonjudicial Arrest Records

HB 435 CS - Davis, M., Allen & others
Motor Vehicle, Mobile Home, and Vessel Registration

HB 1129 CS - Davis, D.
Economic Development

HB 1691 - Governmental Operations Committee, Kottkamp
Review Under The Open Government Sunset Review Act

HB 817 - Williams, Davis, M. & others
Florida Gulf Coast University

HB 1525 CS - Lopez-Cantera, Flores & others
Elderly Affairs

HB 1553 CS - Pickens, Antone & others
Medicaid

HB 261 CS - Harrell, Allen & others
Driving Under the Influence

HB 467 CS - Clarke, Grimsley & others
Assisted Care Communities

HB 501 CS - Berfield
Insurance Field Representatives and Operations

HB 527 CS - Fields, Bendross-Mindingall & others
Road Designations

HB 805 - Williams, Antone & others
Exemption from the Tax on Sales, Use, and Other Transactions for Solar Energy Systems

HB 871 CS - Bilirakis, Kendrick & others
Deposit of Public Funds

HB 1063 CS - Carroll, Ross & others
Tax on Sales, Use, and Other Transactions

HB 1081 CS - Berfield, Grimsley
Discount Medical Plan Organizations

HB 1141 CS - Davis, M., Allen & others
Greenways and Trails

HB 1231 CS - Agriculture Committee, Stansel & others
Dealers in Agricultural Products

HB 1395 CS - Murzin
Beach Safety

HB 1417 CS - Murzin
Land Surveying and Mapping

HB 1527 CS - Lopez-Cantera, Flores & others
Disposition of Unclaimed Property

HB 1693 CS - Economic Development, Trade & Banking Committee, Bilirakis
Unemployment Compensation

HB 919 - Rice
Child Support Guidelines

HB 885 CS - Goldstein, Allen & others
Regional Autism Centers

III. Consideration of the following bills:

HB 333 CS - Bowen, Kendrick
Regulation of Portable Restroom Contracting

HB 869 CS - Sobel, Bendross-Mindingall & others
Inflammatory Bowel Disease

HB 21 CS - Kravitz, Baxley & others
Student Financial Assistance

HB 89 - Evers, Baxley & others
Documentary Stamp Tax on Promissory or Nonnegotiable Notes and Written Obligations to Pay Money

HB 315 CS - Allen, Bilirakis
Home Inspection Services

HB 449 CS - Ambler
Public Records Exemption

HB 609 CS - Hukill, Hays & others
Traffic Safety

HB 1717 CS - Agriculture Committee, Stansel
Agriculture

HB 1839 CS - Water & Natural Resources Committee, Clarke
Total Maximum Daily Loads

HB 1929 CS - Judiciary Committee, Simmons
Public Records Exemptions

HB 1399 - Proctor, Traviesa
Sexually Transmissible Disease Testing and Reporting

HB 1609 - Bucher
Patient Records

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

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

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

Consent Calendar Procedure

The Honorable Allan G. Bense April 22, 2005
Speaker, House of Representatives

Dear Mr. Speaker:

Re: Expedited Procedure for Consent Calendar on Special Order, April 27, 2005

Pursuant to Rule 10.13, the Rules & Calendar Council hereby submits the following Consent Calendar procedure to govern Bills placed on the April 27, 2005, Special Order Calendar. Because the bills will be read twice on the same day, adoption of this procedure requires a two-thirds vote.

House Bills listed in the Consent Calendar section of the Special Order Calendar shall be paired with their Senate Companions that are then on the House Calendar.

- Any member may object to a bill on the Consent Calendar section of the Special Order by filing a written objection with the Rules & Calendar Council by 5:00 p.m., Tuesday, April 26, 2005. An objection to a Senate bill added to the Consent Calendar pursuant to Rule 6.3(a) after publication of the House Calendar dated April 26, 2005, may be made by filing a written objection with the Rules & Calendar Council by 9:00 a.m., Wednesday, April 27, 2005, or by a show of five hands during the reading of the Senate bill.
- Bills to which objections have been filed or to which amendments are offered will be considered separately at the end of the Special Order Calendar.
- Adoption of this procedure will constitute consent on the part of the House to:
  - The substitution of Senate companions and their consideration in lieu of the House bills,
  - A blanket motion to waive the Rules and read each bill a second and third time by title on the same day, followed by a vote on final passage,
  - Limiting explanation and debate to 3 minutes per bill after it has been read a second and third time by title.

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

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the above procedure was adopted without objection.

Bills and Joint Resolutions on Third Reading

HB 1597—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; providing a popular name; creating s. 377.802, F.S.; providing legislative findings and intent; creating s. 377.803, F.S.; providing legislative purpose; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program in the Department of Environmental Protection to provide grants for demonstration, commercialization, research, and development projects relating to hydrogen energy technologies; providing requirements and procedures therefor; providing rulemaking authority; amending s. 212.08, F.S.; creating a sales tax exemption for certain hydrogen energy technology projects; providing requirements and procedures therefor; requiring the Department of Environmental Protection to make determinations relating to certain projects; authorizing the Department of Revenue to adopt rules for tax exempt purchases; providing for future repeal of the exemption; amending s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection; amending s. 220.02, F.S.; providing for the addition of tax credits relating to hydrogen energy technologies in the priority order of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; providing definitions; providing requirements and procedures therefor; authorizing the Department of Revenue to perform certain audits and investigations; requiring the Department of Environmental Protection to provide technical assistance in certain audits and investigations; providing for revocation or modification of credits; providing for payment of tax and interest under certain circumstances; providing rulemaking authority; providing for future repeal of the credit; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to include the amount taken as a credit for expenses related to hydrogen energy technologies; amending s. 366.075, F.S.; authorizing the Florida Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; revising the definition of the term "environmental compliance costs" to include costs related to the deployment of hydrogen energy technologies; providing for cost recovery of utility investment in hydrogen energy technologies; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform

standards for hydrogen fueling, storage, and production facilities; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 252

Speaker Bense in the Chair.

Yeas—114

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

Nays—None

Votes after roll call:
Yeas—Allen, Zapata

Explanation of Vote for Sequence Number 252

As a proud co-sponsor of this important issue, I am pleased to see the strong support from the Florida House for taking Florida into the future of clean Hydrogen energy production. This is a WIN-WIN bill for all Floridians and our nation as Florida moves into a leadership position with this legislation. Florida's benefits to our environment,transportation and reduced dependency on foreign sources of fossil fuels makes this a great first step in the most promising direction our nation as seen for clean energy independence and security.

Rep. Bob Allen
District 32

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

HB 1859—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 20.19, F.S.; revising provisions relating to plans, projections, and the mission of the Department of Children and Family Services; amending s. 20.315, F.S.; revising provisions relating to an evaluation of the Department of Corrections by the Florida Corrections Commission; amending s. 20.316, F.S.; revising provisions relating to reports of the Department of Juvenile Justice; amending ss. 20.43, 39.001, and 39.3065, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 39.4086, F.S., relating to a pilot program for attorneys ad litem for dependent children; amending ss. 39.523 and 98.255, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 120.695, F.S., relating to a review of administrative rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning the condition or operation of privately owned water or wastewater utility systems and facilities; amending s. 161.053, F.S.; deleting obsolete provisions relating to the establishment of coastal construction control lines; amending s. 370.12, F.S.; conforming a cross reference; amending s. 161.161, F.S.; revising provisions relating to reporting requirements for beach erosion control projects; repealing s. 163.2526, F.S., relating to review and evaluation of specified provisions relating to urban infill and redevelopment; amending ss. 163.3167, 163.3177, 163.3178, 163.519, 186.007, 189.4035, 189.412, 194.034, 206.606, 212.054, and 212.08, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 213.0452, F.S., relating to certain required reporting by the Department of Revenue; repealing s. 213.054, F.S., relating to an annual report concerning persons claiming certain tax exemptions or deductions; amending ss. 215.5601 and 215.70, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 253.7825, F.S.; deleting provisions relating to a conceptual recreational plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to certain canal structures; repealing s. 253.7829, F.S., relating to management plan for retention or disposition of former Cross Florida Barge Canal lands; repealing s. 265.56, F.S., relating to an annual report by the Department of State concerning certain indemnity claims; amending s. 267.074, F.S.; deleting requirements for a specified plan relating to historical markers; amending ss. 282.102, 284.50, 287.045, 287.16, and 288.108, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 288.1226, 288.1229, 288.7015, 288.853, 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 296.16, F.S., relating to reports concerning the Veterans' Domiciliary Home of Florida; repealing s. 296.39, F.S., relating to reports concerning veterans nursing homes; amending ss. 315.03, 319.324, 322.181, 322.251, 365.171, 365.172, 365.173, 366.82, 369.22, 370.26, 372.5712, and 372.5715, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to the Advisory Council on Environmental Education; amending s. 372.672, F.S.; conforming to the repeal of s. 372.674, F.S.; amending ss. 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 376.17, F.S., relating to reports concerning operation of a specified pollution control program; amending ss. 376.30713, 377.703, and 380.0677, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 259.041 and 259.101, F.S.; correcting cross references; amending s. 381.0011, F.S.; deleting specified requirements for a Department of Health strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS for specified professional licensure applicants; amending ss. 381.732 and 381.733, F.S.; conforming cross references; amending ss. 381.795, 381.90, 381.931, and 383.19, F.S.; revising and

deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 383.21, F.S., relating to review of certain perinatal intensive care programs; amending ss. 383.2161, 384.25, 394.4573, 394.4985, and 394.75, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 394.82, F.S., relating to expanded funding of certain services; amending s. 394.655, F.S.; conforming provisions to the repeal of s. 394.82, F.S.; amending s. 394.9082, F.S.; revising provisions relating to behavioral health service strategies; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; amending ss. 395.807, 397.321, 397.333, 397.94, 400.0067, 400.0075, 400.0089, 400.407, 400.419, 400.441, 400.967, 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 403.756, F.S., relating to a report concerning oil recycling; amending ss. 403.7226 and 403.7265, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 403.7264, F.S.; conforming a cross reference; amending ss. 403.7895, 406.02, 408.033, 408.914, and 408.915, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 408.917, F.S., relating to evaluation of a health care eligibility pilot project; amending s. 409.1451, F.S.; revising reporting requirements relating to independent living transition services; repealing s. 409.146, F.S., relating to a children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation goals; amending ss. 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558, 409.2567, 409.441, 409.906, 409.9065, 409.91188, and 409.912, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 394.9082, 409.9065, 409.91196, and 641.386, F.S.; conforming cross references; repealing s. 410.0245, F.S., relating to a study of service needs; amending s. 410.604, F.S.; deleting a requirement for an evaluation and report concerning a specified community care for disabled adults program; repealing s. 411.221, F.S., relating to a prevention and early assistance strategic plan; amending ss. 411.01 and 411.232, F.S.; conforming provisions to the repeal of s. 411.221, F.S.; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later (ENABL) program; amending ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045, 420.622, 420.623, 427.704, 427.706, 430.04, 430.502, 445.003, 445.004, and 445.006, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; conforming provisions to the repeal of s. 411.242, F.S.; amending ss. 445.022 and 445.049, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 446.27, F.S., relating to a youth-at-risk pilot program annual report; amending s. 446.50, F.S.; deleting provisions relating to initial submittal of the displaced homemaker program plan; repealing s. 455.204, F.S., relating to long-range policy planning concerning professional regulation; amending ss. 455.2226, 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and 517.302, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 526.3135, F.S., relating to reports by the Division of Standards of the Department of Agriculture and Consumer Services; amending s. 531.415, F.S., relating to a required notice to the Legislature concerning certain weights and measures regulation fees; repealing s. 553.975, F.S., relating to a report concerning energy conservation standards; amending ss. 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204, 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295, 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023, 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and 985.3045, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.3046, F.S., relating to certain reports concerning agencies and entities providing prevention services; amending ss. 985.305 and 985.3155, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.403, F.S., relating to a task force on juvenile sexual offenders and their victims; amending s. 985.412, F.S.; deleting a provision relating to submittal of a proposal concerning incentives for certain Department of Juvenile Justice providers; amending ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 1006.0605, F.S., relating to reports concerning student summer nutrition programs; amending ss. 1007.27, 1009.70, 1011.32, 1011.62, 1012.42, and 1013.03, F.S.

—was read the third time by title.

The vote on HB 1859 was nullified.

Representative Goodlette offered the following:

(Amendment Bar Code: 917623)

Amendment 5 (with title amendment)—Remove lines 6631 through 6635 and renumber subsequent sections

Remove line 185 and insert:
20.165, 309.01, 310.011, 455.01, and 455.217,

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

The question recurred on the passage of HB 1859. The vote was:

Session Vote Sequence: 253

Speaker Bense in the Chair.

Yeas—115

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

Nays—None

Votes after roll call:
Yeas—Zapata

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

HB 173—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; revising a limitation on monthly aggregate distributions to certified facilities for a retained spring training franchise; deleting provisions with respect to the entitlement of certified applicants to receive distributions for additional renovations and improvements to a facility without additional certification; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; specifying uses of certain distributions; providing for future repeal; amending s. 288.1162, F.S.; requiring a verified copy of a binding agreement for payment of cost overruns as prerequisite for certification under certain circumstances; providing procedures for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and funding; providing evaluation criteria; clarifying the number of certifications of facilities for retained spring training franchises; specifying criteria certification for the remaining available certification slot; providing for future repeal; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Auditor General; authorizing the Auditor General to pursue recovery of certain proceeds; barring certain local governments from receiving future distributions under certain circumstances; providing for revocation of certification; providing for future repeal; amending s. 320.08056, F.S.; providing for a NASCAR license plate fee; amending s. 320.08058, F.S.; providing for a NASCAR license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a NASCAR license plate; providing for the distribution and use of fees; providing contingent authorization to develop the tag; providing for an alternative deposit of certain license plate funds until certification of a NASCAR Hall of Fame; providing for alternative uses of such funds without certification; providing effective dates.

—was read the third time by title.

Representative(s) Patterson offered the following:

(Amendment Bar Code: 870389)

Amendment 3—Remove line(s) 563-593 and insert:
(57) NASCAR LICENSE PLATES.--
(a) Upon an organization's meeting the requirements in s. 320.08053, the Department of Highway Safety and Motor Vehicles shall develop a NASCAR license plate as provided in this subsection. The word "Florida" must appear at the top of the plate. The NASCAR Hall of Fame, following consultation with NASCAR and the International Speedway Corporation, may submit a revised sample plate for consideration by the department.
(b) The annual use fee shall be distributed to the Department of Revenue to offset the sales tax disbursements of $1.2 million per year by the Department of Revenue to the NASCAR Hall of Fame, Inc., for the construction, operation, and maintenance of the NASCAR Hall of Fame in Daytona Beach. Any distribution of fees to the department in excess of the sales tax distributions shall be retained and used to offset future distributions.
Section 8. The authorization of the specialty license plate as provided in this act is subject to the City of Daytona Beach's being designated as the site for the official NASCAR Hall of Fame. If that designation is not awarded to the City of Daytona Beach, the authorization of the NASCAR specialty tag is rescinded.
Section 9. Until the NASCAR Hall of Fame has been certified by the Office of Tourism, Trade, and Economic Development as provided in this act, the funds generated by the sale of the NASCAR license plate shall be deposited with the Department of Revenue and held in trust for the benefit of the NASCAR Hall of Fame facility upon certification. If the NASCAR Hall of Fame facility is not certified, the authorization of the NASCAR specialty tag is rescinded and the funds generated by the NASCAR specialty tag until this time shall be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade and Economic Development. All funds must be used to support and promote major sporting events and the uses must be approved by the Florida Sports Foundation.

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

Representative(s) Bucher offered the following:

(Amendment Bar Code: 837103)

Amendment 4 (with title amendment)—Between lines 593 and 594, insert:

Section 10. The Office of Tourism, Trade and Economic Development shall conduct an annual audit to ensure compliance with contracts related to facilities for a new professional sports franchise or a facility for a retained professional sports franchise pursuant to s. 288.1162.

Remove line 73 and insert:

without certification; requiring the Office of Tourism, Trade and Economic Development to conduct an annual audit to ensure compliance with contracts related to facilities for a new professional sports franchise or a facility for a retained professional sports franchise; providing effective dates.

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

Session Vote Sequence: 254

Speaker Bense in the Chair.

Yeas—28

Bendross-Mindingall	Gottlieb	Machek	Seiler
Brandenburg	Greenstein	Meadows	Slosberg
Bucher	Henriquez	Peterman	Smith
Cusack	Jennings	Porth	Sobel
Gannon	Joyner	Richardson	Stargel
Gelber	Justice	Ryan	Taylor
Gibson, A.	Kendrick	Sands	Vana

Nays—87

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

Votes after roll call:
Yeas—Roberson
Yeas to Nays—Roberson
Nays to Yeas—Ausley, Roberson

The question recurred on the passage of HB 173. The vote was:

Session Vote Sequence: 255

Speaker Bense in the Chair.

Yeas—90

Adams	Bilirakis	Evers	Harrell
Allen	Bogdanoff	Farkas	Hasner
Altman	Bowen	Fields	Hays
Ambler	Bullard	Flores	Holloway
Anderson	Cannon	Galvano	Hukill
Antone	Carroll	Garcia	Jennings
Arza	Clarke	Gardiner	Jordan
Attkisson	Cretul	Gibson, A.	Justice
Barreiro	Culp	Gibson, H.	Kottkamp
Baxley	Cusack	Glorioso	Kravitz
Bean	Davis, D.	Goldstein	Kreegel
Bendross-Mindingall	Davis, M.	Goodlette	Littlefield
Bense	Dean	Grant	Llorente
Berfield	Detert	Grimsley	Lopez-Cantera
Machek	Pickens	Ross	Stargel
Mahon	Planas	Rubio	Taylor
Mayfield	Poppell	Russell	Traviesa
McInvale	Proctor	Sands	Troutman
Mealor	Quinones	Sansom	Vana
Murzin	Reagan	Seiler	Waters
Needelman	Rivera	Simmons	Zapata
Negron	Robaina	Smith	
Patterson	Roberson	Sorensen	

Nays—26

Ausley	Gannon	Kendrick	Ryan
Benson	Gelber	Kyle	Slosberg
Brandenburg	Gottlieb	Legg	Sobel
Brown	Greenstein	Meadows	Stansel
Brummer	Henriquez	Peterman	Williams
Bucher	Homan	Porth	
Domino	Joyner	Richardson	

Votes after roll call:
Yeas—Rice

Abstain from Voting

I abstain from voting on HB 173. As President/CEO of the Central Florida Sports Commission, our 501(C) 3 entity is publicly supportive of the bid for the NASCAR Hall of Fame to be located in Daytona Beach, Florida. Our organization has helped to create the bid document that solicits the location of the facility in Daytona Beach, Florida.

Rep. Randy Johnson
District 41

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

On motion by Rep. Ross, further consideration of **HB 1745**, **HB 1937**, and **HB 1939** was temporarily postponed.

Special Orders

Section I.

HB 1865—A bill to be entitled An act relating to growth management incentives; providing for a pilot project on regional growth management strategies and solutions; providing a popular name; providing legislative intent; providing definitions; creating the Regional Planning Area Governing Board; providing for membership; requiring the Legislature to appropriate moneys to the Department of Community Affairs for a pilot project to be used in regional planning areas for certain purposes; providing criteria; providing for designation by the Governor of regional planning areas; providing application requirements and procedures for designation; requiring the Governor to designate by Executive Order five regional planning areas by a time certain; providing requirements; requiring regional task forces to submit a report to the governing board; providing report requirements; requiring the governing board to review and rank project requests and post notice of certain funding awards; requiring approved projects to be under contract by a time certain; specifying project eligibility criteria; providing criteria for priority incentive funding ranking of projects; requiring the governing board to submit a report after award of certain funds for the pilot project; providing report requirements; providing for abolition of the governing board; providing an appropriation; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of

commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; providing an appropriation; providing effective dates.

REPRESENTATIVE BARREIRO IN THE CHAIR

The State Infrastructure Council recommended the following:

HB 1865 CS—A bill to be entitled An act relating to growth management incentives; providing a popular name; amending s. 20.18, F.S.; changing the name of the Department of Community Affairs to the Department of Community Assistance; amending s. 163.3164, F.S.; revising a definition to conform; defining the term "financial feasibility"; creating s. 163.3172, F.S.; providing legislative determinations; limiting the effect of certain charter county charter provisions, ordinances, or land development regulations under certain circumstances; amending s. 163.3177, F.S.; revising criteria for the capital improvements element of comprehensive plans; providing for subjecting certain local governments to sanctions by the Administration Commission under certain circumstances; requiring certain local governments to adopt a long-term capital improvements schedule to a long-term concurrency management system and annually update such schedule; deleting obsolete provisions; requiring local governments to adopt a transportation concurrency management system by ordinance; providing a methodology requirement; requiring the Department of Transportation to develop a model transportation concurrency management ordinance; specifying ordinance assessment authority; providing additional requirements for a general water element of comprehensive plans; requiring a work plan; specifying cooperation between certain entities relating to developing water supply facilities; revising public educational facilities element requirements; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring counties and municipalities to adopt consistent public school facilities and enter into certain interlocal agreements; authorizing the state land planning agency to grant waivers under certain circumstances; providing additional requirements for public school facilities elements of comprehensive plans; requiring the state land planning agency to adopt phased schedules for adopting a public school facilities element; providing requirements; encouraging local governments to develop a community vision for certain purposes; providing for assistance by regional planning councils; amending s. 163.31777, F.S.; applying public schools interlocal agreement provisions to school boards and nonexempt municipalities; deleting a scheduling requirement for public schools interlocal agreements; providing additional requirements for updates and amendments to such interlocal agreements; revising procedures for public school elements implementing school concurrency; revising exemption criteria for certain municipalities; amending s. 163.3180, F.S.; including schools and water supplies under concurrency provisions; revising a transportation facilities scheduling requirement; requiring local governments and the Department of Transportation to cooperatively establish a plan for maintaining certain level-of-service standards for certain facilities within certain areas; revising criteria for local government authorization to grant exceptions from concurrency requirements for transportation facilities; providing for waiving certain transportation facilities concurrency requirements for certain projects under certain circumstances; providing criteria and requirements; revising provisions authorizing local governments to adopt long-term transportation management systems to include long-term school concurrency management systems; revising requirements; requiring periodic evaluation of long-term concurrency systems; providing criteria; revising requirements for roadway facilities on the Strategic Intermodal System; providing additional level-of-service standards requirements; revising requirements for developing school concurrency; requiring adoption of a public school facilities element for effectiveness of a school concurrency requirement; providing an exception; revising service area requirements for concurrency systems; requiring local governments to apply school concurrency on a less than districtwide basis under certain circumstances for certain purposes; revising provisions prohibiting a local government from denying a development order or a functional equivalent authorizing residential developments under certain circumstances; specifying conditions for satisfaction of school concurrency requirements by a developer; providing for mediation of disputes; specifying options for proportionate-share mitigation of impacts on public school facilities; providing criteria and requirements; providing legislative intent relating to mitigation of impacts of development on transportation facilities; authorizing local governments to create mitigation banks for transportation facilities for certain purposes; providing requirements; specifying conditions for satisfaction of transportation facilities concurrency by a developer; providing for mitigation; providing for mediation of disputes; providing criteria for transportation mitigation contributions; providing for enforceable development agreements for certain projects; specifying conditions for satisfaction of concurrency requirements of a local comprehensive plan by a development; amending s. 163.3184, F.S.; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain local governments; providing procedures and requirements; providing for notice and public hearings; providing for nonapplication; amending s. 163.3191, F.S.; revising requirements for evaluation and assessment of the coordination of a comprehensive plan with certain schools; providing additional assessment criteria for certain counties and municipalities; requiring certain counties and municipalities to adopt appropriate concurrency goals, objectives, and policies in plan amendments under certain circumstances; revising reporting requirements for evaluation and assessment of water supply sources; providing for a prohibition on plan amendments for failure to timely adopt updating comprehensive plan amendments; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Assistance to select an executive director of the commission; requiring the Department of Community Assistance to provide staff for the commission; providing for other agency staff support for the commission; amending s. 339.135, F.S.; revising provisions relating to funding and developing a tentative work program; creating s. 339.28171, F.S.; creating the Local Government Concurrency Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages for apportioning matching funds among grant applicants; authorizing the department to adopt rules to administer the program; creating s. 339.2820, F.S.; creating the Off-System Bridge Program for Sustainable Transportation within the Department of Transportation for certain purposes; providing for funding certain project costs; requiring the department to allocate funding for the program for certain projects; specifying criteria for projects to be funded from the program; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area

designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; amending s. 380.115, F.S.; revising provisions relating to preserving vested rights and duties under development of regional impact guidelines and standards; revising procedures and requirements for governance and rescission of development-of-regional-impact development orders under changing guidelines and standards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on adjustments to boundaries of regional planning councils, water management districts, and transportation districts; providing purposes; requiring a study report to the Governor and Legislature; amending s. 1013.33, F.S.; revising provisions relating to coordination of educational facilities planning pursuant to certain interlocal agreements; revising procedures and requirements for updated agreements and agreement amendments; creating s. 1013.352, F.S.; creating a Charter School Incentive Program for Sustainable Schools; providing purposes; specifying conditions for eligibility for state funds; authorizing the Commissioner of Education to waive certain requirements and distribute certain funds to charter schools under certain circumstances; prohibiting the commissioner from distributing funds to certain schools under certain circumstances; providing for ineligibility of certain schools for charter school outlay funding under certain circumstances; repealing s. 163.31776, F.S., relating to the public educational facilities element; providing for funding for sustainable water supplies; providing an appropriation; providing for allocation of the appropriation; specifying uses of appropriations; providing for funding for sustainable schools; providing an appropriation; providing for allocation of the appropriation; specifying uses of the appropriation; providing for Statewide Technical Assistance for a Sustainable Florida; providing an appropriation; specifying uses; requiring the Department of Community Assistance to report to the Governor and Legislature; specifying report requirements; providing an appropriation to the Department of Community Assistance for certain staffing purposes; requiring the Division of Statutory Revision of the Office of Legislative Services to develop proposed legislation to change references in the Florida Statutes to the Department of Community Affairs to the Department of Community Assistance; providing an effective date.

—was read the second time by title.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 699673)

Amendment 1 (with title amendment)—Remove the entire body and insert:

Section 1. Popular name.--This act may be cited as the "Sustainable Florida Act of 2005."

Section 2. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(32) "Financial feasibility" means sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements and as otherwise identified within this act necessary to ensure that adopted level-of-service standards are achieved and maintained within the 5-year schedule of capital improvements.

Section 3. Section 163.3172, Florida Statutes, is created to read:

163.3172 Urban infill and redevelopment.--In recognition that urban infill and redevelopment is a high state priority, the Legislature determines that local governments should not adopt charter provisions, ordinances, or land development regulations that discourage this state priority. Higher density urban development is appropriate in urban core areas and should be encouraged in such areas. Conversely, it is appropriate to discourage greater height and density as a development form in areas outside the urban core where such development forms are incompatible with existing land uses. Notwithstanding chapters 125 and 163, any existing or future charter county charter provision, ordinance, land development regulation, or countywide special act that governs the use, development, or redevelopment of land shall not be effective within any municipality of the county unless the charter provision, ordinance, land development regulation, or countywide special act is approved by a majority vote of the municipality's governing board or is approved by a majority vote of the county's governing board for placement on the ballot as a countywide referendum and:

(1) The ballot form includes a ballot summary of the measure being voted on, which has been agreed to by the municipality, in addition to any other requirements of law. If no agreement on the ballot summary language is reached with the municipality, the ballot form shall also contain an estimate, as created by the municipality, of the fiscal impact of the measure upon the municipality.

(2) The referendum is approved by a majority vote of the electors of the county voting in the referendum.

Existing charter provisions and countywide special acts that have been approved by referendum prior to the effective date of this act must be readopted in accordance with this section in order to apply within a municipality. However, any existing charter county charter provision that has established a rural boundary as delineated on a rural boundary map shall not be required to have the charter provision readopted in accordance with this section and shall continue to apply within municipalities of the charter county. In the event of a conflict between a countywide ordinance and a municipal ordinance within a charter county that regulates expressive conduct, the more restrictive ordinance shall govern. In addition, the requirements of this section restricting charter county charter provisions, ordinances, or land development regulations concerning building height restrictions shall not apply within any areas of critical state concern designated pursuant to s. 380.05-380.0555.

Section 4. Subsection (3), paragraphs (a), (b), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsection (13) is added to said section, to read:

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

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects and which may include privately funded projects.

6. The schedule of transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)1. The capital improvements element shall be reviewed on an

annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements.~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs~~,~~ revenue sources, or~~;~~ acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction~~ of any facility enumerated in the capital improvements schedule ~~element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter until the local government has adopted the annual update and the annual update has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6). Amendments to the 5-year schedule of capital improvements adopted after the effective date of this act shall not be subject to challenge by an affected party. If the department finds an amendment pursuant to this subparagraph not in compliance, the local government may challenge that determination pursuant to s. 163.3184(10).

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met.~~ Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system which shall include a methodology for assessing proportionate share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate share options. The transportation concurrency management ordinance may assess a concurrency impact area by districts or systemwide.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic

tanks. Within 18 months after the governing board approves an updated regional water supply plan, the local government shall submit a comprehensive plan amendment that incorporates the alternative water supply projects selected by the local government from those identified in the regional supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361, into the element. If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated ~~By December 1, 2006, The element must consider the appropriate water management district's~~ regional water supply plan ~~approved pursuant to s. 373.0361~~. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public water supply facilities, including development of alternative water supplies that are necessary to meet existing and projected water use demand over the work planning period. The work plan shall also describe how the water supply needs will be met over the course of the planning period from any other providers of water, if applicable ~~that are identified in the element as necessary to serve existing and new development and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within 18 ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

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

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

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

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

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

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

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

6. ~~By January 1, 2004,~~ Any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

9. By February 1, 2003, representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land

use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

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

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

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

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

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

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

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

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of ~~assign to the area a certain number of credits, to be known as "transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within ~~assigned to~~ the rural land stewardship area must enable the realization of the long-term vision and goals for ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

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

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

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

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

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

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

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

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

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

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other

beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land, or in locations where the retention of ~~and a lesser number of credits to be assigned to~~ open space and agricultural land is a priority, to such lands.

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

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

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

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

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

9. In recognition of the benefits of conceptual long-range planning, restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of the agricultural economy of this state; and protection of the character of rural areas of this state that will result from a rural land stewardship area, and to further encourage the innovative planning and development strategies in a rural land stewardship area, development within a rural land stewardship area is exempt from the requirements of s. 380.06.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

(a) Each county and each municipality within the county must adopt a consistent public school facilities element and enter an interlocal agreement pursuant to s. 163.31777. The state land planning agency may provide a waiver to a county and to the municipalities within the county if the utilization rate for all schools within the district is less than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. At its discretion, the state land planning agency may grant a waiver to a county or municipality for a single school to exceed the 100 percent limitation if it can be demonstrated that the capacity for that single school is not greater than 105 percent. A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

3. The municipality has no public schools located within its boundaries.

4. At least 80 percent of the developable land within the boundaries of the municipality has been developed.

(b)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(c)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(d)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(e)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(f)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision of ~~supporting~~ infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to ensure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;

5. Provision of colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision of location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and

9. Coordination with the future land use element.

(g)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

(h) The state land planning agency shall establish phased schedules for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule for the updated public schools interlocal agreement shall provide for each county and municipality within the county to submit the agreement no later than December 1, 2006. The schedule for the public schools facilities element must provide for each county and municipality to submit the adopted element to the state land planning agency by December 1, 2008. The state land planning agency may grant a 1-year extension for the adoption of the element if a request is justified by good and sufficient cause as determined by the agency. The state land planning agency shall set the same date for all governmental

entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(i) Failure to timely adopt updating amendments to the comprehensive plan that are necessary to implement school concurrency prior to December 1, 2008, unless a one-year extension has been granted, shall result in a local government being prohibited from adopting amendments to the comprehensive plan that increase residential density until the necessary amendments have been adopted and the adopted amendments have been transmitted to the state land planning agency.

(j) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes the local government's fiscal constraints, and protects the local government's natural resources pursuant to s. 163.167(11). At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

Section 5. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.--

(1)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement ~~with the district school board~~ which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities and the SMART Schools Clearinghouse in accordance with a schedule published by the state land planning agency~~.

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

(b)~~(c)~~ If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(c)~~(d)~~ ~~Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single updated interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(2) ~~At a minimum,~~ The interlocal agreement shall acknowledge the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement must address the following issues:

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

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

(c) Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted levels-of-service standards.

(d) A process for establishing a financially feasible public school capital facilities program and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

(e) If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other applicable factors.

(f) Establish a uniform districtwide procedure for implementing school concurrency which provides for:

1. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools.

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

(g) A process and uniform methodology for determining proportionate-share mitigation pursuant to s. 380.06.

(h)~~(a)~~ A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(i)~~(b)~~ A process to coordinate and share information relating to

existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(j)~~(c)~~ Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(k)~~(d)~~ A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

~~(e) A process for the school board to inform the local government regarding school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.~~

(l)~~(f)~~ Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(m)~~(g)~~ A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(n)~~(h)~~ A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(o)~~(i)~~ An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(p) A process for development of a public school facilities element pursuant to 163.3177(12).

(q) Provisions for siting and modification or enhancements to existing school facilities so as to encourage urban infill and redevelopment.

(r) A process for the use and conversion of historic school facilities that are no longer suitable for educational purposes as determined by the district school board.

(s) A process for informing the local government regarding the effect of comprehensive plan amendments and rezonings on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(t) A process to ensure an opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

For those local governments that receive a waiver pursuant to s. 163.3177(2)(a), the interlocal agreement shall not include the issues provided for in paragraphs (a), (c), (d), (e), (f), (g), and (p). For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system. ~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(3)~~(a)~~ The updated interlocal agreement, adopted pursuant to the schedule adopted in accordance with s. 163.3177(12)(h), and any subsequent amendments must be submitted to the state land planning agency and the Office of Educational Facilities within 30 days after execution by the parties for review consistent with this section. The office ~~and SMART Schools Clearinghouse~~ shall submit any comments or concerns regarding the executed interlocal agreement or amendments to the state land planning agency within 30 days after receipt of the executed interlocal agreement or amendments. The state land planning agency shall review the updated executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an updated executed interlocal agreement or amendment, the state land planning agency shall publish a notice on the agency's Internet website that states ~~of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state~~ whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

(4) If an updated executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before July 1, 2005 ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of this section ~~if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect~~.

(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12) ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 6. Paragraph (a) of subsection (1), paragraphs (a) and (c) of subsection (2), paragraph (c) of subsection (4), subsections (5), (6), (7), (9), (10), and (13), and paragraph (a) of subsection (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to said section, to read:

163.3180 Concurrency.--

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction within 3 ~~not more than 5~~ years after issuance by the local government of a building permit ~~certificate of occupancy~~ or its functional equivalent for construction of a facility that results in actual traffic generation. ~~Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation and public school facilities, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the ~~state comprehensive plan and~~ the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (c) in the comprehensive plan. These guidelines must include consideration of the Strategic Intermodal System ~~impacts on the Florida Intrastate Highway System, as defined in s. 338.001~~. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities pursuant to s. 339.64.

(e) It is a high state priority that urban infill and redevelopment be promoted and provide incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved and urban sprawl will be discouraged. If a local government creates a long-term vision for its community that includes adequate funding and services and multimodal transportation options, the transportation facilities concurrency requirements of paragraph (2)(c) are waived for:

1.a. Urban infill development as designated in the comprehensive plan;

b. Urban redevelopment as designated in the comprehensive plan;

c. Downtown revitalization as designated in the comprehensive plan;

or

d. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan.

The local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64.

2. Municipalities that are at least 90 percent built-out. For purposes of this exemption:

a. The term "built-out" means that 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of 5 units per acre for residential developments.

b. The municipality must have adopted an ordinance that provides the methodology for determining its built-out percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies, including alternative modes of transportation within the municipality. Prior to the adoption of the ordinance, the Department of Transportation shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Further, the local government shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the department for Strategic Intermodal System facilities, as defined in s. 339.64.

c. If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.

d. If transportation concurrency requirements are waived under this subparagraph, the municipality must adopt a comprehensive plan amendment pursuant to s. 163.3187(1)(c) which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance adopted in subparagraph b. to the state land planning agency.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. ~~Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area.~~ Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall annually adjust its concurrency management system calculation of existing background traffic to reflect projects permitted under the de minimis exemption.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan ~~a~~ long-term transportation and school concurrency management systems ~~system~~ with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and shall ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction ~~permits~~ in these designated districts or areas. The concurrency management system. ~~It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.
2. For roads, whether the backlog is on local or state roads.
3. The cost of eliminating the backlog.
4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction, notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, the government must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service or providing other methods of transportation.

(10) With regard to roadway facilities on the Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64 ~~Florida Intrastate Highway System as defined in s. 338.001, with concurrence from the Department of Transportation, the level-of-service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation.

(13) In accordance with the schedule adopted in accordance with s. 163.3177(12)(h), school concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12), except that this subsection shall not apply to the Florida School for the Deaf and the Blind. The development of school concurrency shall be accomplished through a coordinated process including the local school district, the county, and all nonexempt municipalities within the county and shall be reflected in the public school facilities element adopted pursuant to the schedule provided for in s. 163.3177(12)(h). The school concurrency requirement shall not be effective until the adoption of the public school facilities element. The application of school concurrency to development

shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.--A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

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

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

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

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

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

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

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

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

(e) Availability standard.--Consistent with the public welfare, a local government may not deny an application for site plan or final subdivision approval, or a functional equivalent for a development or phase of a development, ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the ~~permit~~ issuance by the local government of site plan or final subdivision approval or its functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property

prior to the plan amendment that increased overall residential density. Mitigation for development impacts to public schools requires the concurrence of the local school board. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion of such facility, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a legally binding agreement.

(f) Intergovernmental coordination.--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

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

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

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

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

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

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

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

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

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

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

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

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

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

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

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

(15)

(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the local government shall consult with the Department of Transportation to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the

Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64. Multimodal transportation districts existing prior to July 1, 2005, shall meet at a minimum, the provision of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(16)(a) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

(b) When authorized in a local government comprehensive plan, local governments may create mitigation banks for transportation facilities to satisfy the concurrency provisions of this section, using the process and methodology developed in accordance with s. 163.3177(6)(b). The Department of Transportation, in consultation with local governments, shall develop a process and uniform methodology for determining proportionate-share mitigation for development impacts on transportation corridors that traverse one or more political subdivisions.

(c) Mitigation contributions shall be used to satisfy the transportation concurrency requirements of this section and may be applied as a credit against impact fees. Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation. However, this does not authorize the Department of Transportation to arbitrarily charge a fee or require additional mitigation. Concurrence by the Department of Transportation may not be withheld unduly.

(d) Transportation facilities concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for transportation facilities to be created by actual development of the property, including, but not limited to, the options for mitigation established in the transportation element or traffic circulation element. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Appropriate transportation mitigation contributions may include public or private funds; the contribution of right-of-way; the construction of a transportation facility or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for projects to be funded by a developer.

(17) A development may satisfy the concurrency requirements of the local comprehensive plan, the local government's land development regulations, and s. 380.06 by entering into a legally binding commitment to provide mitigation proportionate to the direct impact of the development. A local government may not require a development to pay more than its proportionate-share contribution regardless of the method mitigation.

Section 7. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (6) of section 163.3184, Florida Statutes, are amended to read:

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

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

(b) "In compliance" means consistent with the requirements of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(4) INTERGOVERNMENTAL REVIEW.--The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177 ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

Section 8. Paragraphs (c) and (l) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (o) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is

not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177 ~~163.31776~~ and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(o)1. For municipalities that are more than 90 percent built-out, any municipality's comprehensive plan amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan only if the proposed amendment involves a use of 100 acres or fewer and:

a. The cumulative annual effect of the acreage for all amendments adopted pursuant to this paragraph does not exceed 500 acres.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

2. For purposes of this paragraph, the term "built-out" means 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.

3.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions of s. 166.041(3)(c). If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

4. Amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

5. This paragraph shall not apply if a municipality annexes unincorporated property that decreases the percentage of build-out to an amount below 90 percent.

6. A municipality shall notify the state land planning agency in writing of its built-out percentage prior to the submission of any comprehensive plan amendments under this subsection.

Section 9. Paragraphs (k) and (l) of subsection (2) and subsection (10) of section 163.3191, Florida Statutes, are amended, and paragraph (o) is added to subsection (2) of said section, to read:

163.3191 Evaluation and appraisal of comprehensive plan.--

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant~~.

(l) The extent to which the local government has been successful in identifying water supply sources, including conservation and reuse, necessary to meet existing and projected water use demand for the comprehensive plan's water supply work plan. The water supply sources evaluated in the report must be consistent with ~~evaluation must consider~~ the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The report must evaluate the degree to which the local government has implemented the work plan for water supply facilities included in the potable water element. ~~The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are identified in the element as necessary to serve existing and new development and for which the local government is responsible.~~

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal district designated pursuant to s. 163.3180(15) has achieved the purposes for which it was created and otherwise complies with the provisions of s. 163.3180.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt updating amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report updating amendments have been adopted and the adopted amendment has been transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the updating amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the updating amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

Section 10. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.--

(1) POPULAR NAME.--This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.--The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 20-year and 50-year horizons.

(a) The commission shall consist of nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 3-year terms, and three shall serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.--The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 20-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth. This report shall be verbally presented to a joint session of both houses annually as scheduled by the President of the Senate and the Speaker of the House of Representatives.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 11. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.--The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 12. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of Florida, is amended to read:

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

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the right-of-way services and design and construction phases of any ~~a building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract, except for a resurfacing or minor bridge project the right-of-way services and design construction phases of which may be combined under s. 337.025. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 13. Paragraph (m) of subsection (1) of section 339.08, Florida Statutes, is redesignated as paragraph (n) and new paragraph (m) is added to said subsection, to read:

339.08 Use of moneys in State Transportation Trust Fund.--

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(m) To pay the cost of transportation projects selected in accordance with the Transportation Incentive Program for a Sustainable Florida created in s. 339.28171.

Section 14. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.--

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning and concurrency purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 15. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.--

(5) ADDITIONAL TRANSPORTATION PLANS.--

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by the department and two or more contiguous metropolitan planning organizations, one or more metropolitan planning organizations and one or more contiguous counties that are not members of a metropolitan planning organization, a multicounty regional transportation authority created by or pursuant to law, two or more contiguous counties that are not members of a metropolitan planning organization, or metropolitan planning organizations comprised of three or more counties.

(d) The department shall develop a model draft interlocal agreement that, at a minimum, shall identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. The designated entity shall coordinate the adoption of the interlocal agreement using as its framework the department model. Such interlocal agreement shall become effective upon approval by supermajority vote of the affected local governments.

(e) The regional transportation plan developed pursuant to this section shall, at a minimum, identify regionally significant transportation facilities located within a regional transportation area, and recommend a list to the department for prioritization. The project shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163. 3177(3).

Section 16. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.--It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.28171.

(1) DESIGNATION.--

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section. Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.--

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.--

(a) The Governor shall, with the agreement of the affected units of

general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.--The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other

transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. and include those projects programmed pursuant to s. 339.28171.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64;

3. The priorities developed pursuant to s. 339.28171;

4.3. The results of the transportation management systems; and

5.4. The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.--

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the

metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.--

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.--Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 17. Section 339.28171, Florida Statutes, is created to read:

339.28171 Transportation Incentive Program for a Sustainable Florida.--

(1) There is created within the Department of Transportation a Transportation Incentive Program for a Sustainable Florida, which may be cited as TRIP for a Sustainable Florida, for the purpose of providing grants to local governments to improve a transportation facility or system which addresses an identified concurrency management system backlog or relieve traffic congestion in urban infill and redevelopment areas. Bridge projects off of the State Highway System are eligible to receive funding from this program.

(2) To be eligible for consideration, projects must be consistent with local government comprehensive plans, the transportation improvement program of the applicable metropolitan organization, and the Strategic Intermodal System plan developed in accordance with s. 339.64.

(3) The funds shall be distributed by the department to each district in accordance with the statutory formula pursuant to s. 339.135(4). The district secretary shall use the following criteria to evaluate the project applications:

(a) The level of local government funding efforts.

(b) The level of local, regional, or private financial matching funds as a percentage of the overall project cost.

(c) The ability of local government to rapidly address project construction.

(d) The level of municipal and county agreement on the scope of the proposed project.

(e) Whether the project is located within and supports the objectives of an urban infill area, a community redevelopment area, an urban redevelopment area, or a concurrency management area.

(f) The extent to which the project would foster public-private partnerships and investment.

(g) The extent to which the project protects environmentally sensitive areas.

(h) The extent to which the project would support urban mobility, including public transit systems, the use of new technologies, and the provision of bicycle facilities or pedestrian pathways.

(i) The extent to which the project implements a regional transportation plan developed in accordance with s. 339.155(2)(c), (d), and (e).

(j) Whether the project is subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

(k) Whether or not the local government has adopted a vision pursuant to s. 163.3167(11).

(4) As part of the project application, the local government shall demonstrate how the proposed project implements a capital improvement element and a long-term transportation concurrency system, if applicable, to address the existing capital improvement element backlogs.

(5) The percentage of matching funds available to applicants shall be based on the following:

(a) For projects that provide capacity on the Strategic Intermodal System, the percentage shall be 35 percent.

(b) For projects that provide capacity on regionally significant transportation facilities identified in s. 339.155(2)(c), (d), and (e), the percentage shall be 50 percent or up to 50 percent of the nonfederal share of the eligible project costs for a public transportation facility project. For off-system bridges, the percentage shall be 50 percent. Projects to be funded pursuant to this paragraph shall, at a minimum meet the following additional criteria:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after the effective date of this act, or to implement a long-term concurrency management system adopted a local government in accordance with s. 163.3177(9).

3. Provide connectivity to the Strategic Intermodal System designated pursuant to s. 339.64.

4. Support economic development and the movement of goods in areas of critical economic concern designated pursuant to s. 288.0656(7).

5. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

6. For off-system bridge projects to replaced, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on a federal-aid highway, such projects shall, at a minimum:

(a) Be classified as a structurally deficient bridge with a poor condition rating for either the deck, superstructure, or substructure component, or culvert.

(b) Have a sufficiency rating of 35 or below.

(c) Have average daily traffic of at least 500 vehicles.

Special consideration shall be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons.

(c) For local projects that demonstrate capacity improvements in the urban service boundary, urban infill, or urban redevelopment area or provide such capacity replacement to the State Intrastate Highway System, the percentage shall be 65 percent.

(6) The department may administer contracts at the request of a local government selected to receive funding for a project under this section. All projects funded under this section shall be included in the department's work program developed pursuant to s. 339.135.

Section 18. Subsection (1) and paragraph (c) of subsection (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.--

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments to improve a transportation facility or system which addresses identified concurrency management system backlog and relieves traffic congestion, or to assist in resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4)

(c) The following criteria shall be used to prioritize road projects for funding under the program:

~~1. The primary criterion is the physical condition of the road as measured by the department.~~

1.~~2.~~ ~~As secondary criteria~~ The department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

2. As secondary criteria, the department may consider the physical condition of the road as measured by the department.

Section 19. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.--

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for:

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Transportation Incentive Program for a Sustainable Florida projects identified pursuant to s. 339.28171.

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

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

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

Section 20. Section 373.19615, Florida Statutes, is created to read:

373.19615 Florida's Sustainable Water Supplies Program.--

(1) There is hereby created "Florida's Sustainable Water Supplies Program." The Legislature recognizes that alternative water supply projects are more expensive to develop compared to traditional water supply projects. As Florida's population continues to grow, the need for alternative water supplies is also growing as our groundwater supplies in portions of the state are decreasing. Beginning in fiscal year 2005-2006, the state shall annually appropriate $100 million for the purpose of providing funding assistance to local governments for the development of alternative water supply projects. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed to the Department of Environmental Protection. The department shall then distribute the revenues into alternative water supply accounts created by the department for each district for the purpose of alternative water supply development under the following funding formula:

1. Forty percent to the South Florida Water Management District.

2. Twenty-five percent to the Southwest Florida Water Management District.

3. Twenty-five percent to the St. Johns River Water Management District.

4. Five percent to the Suwannee River Water Management District.

5. Five percent to the Northwest Florida Water Management District.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Alternative water supplies" includes saltwater; brackish surface

and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan developed under s. 373.0361.

(b) "Capital costs" means planning, design, engineering, and project construction costs.

(c) "Local government" means any municipality, county, special district, regional water supply authority, or multijurisdictional entity, or an agency thereof, or a combination of two or more of the foregoing acting jointly with an alternative water supply project.

(3) To be eligible for assistance in funding capital costs of alternative water supply projects under this program, the water management district governing board must select those alternative water supply projects that will receive financial assistance. The water management district governing board shall establish factors to determine project funding.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

(4)(a) All projects submitted to the governing board for consideration shall reflect the total cost for implementation. The costs shall be segregated pursuant to the categories described in the definition of capital costs.

(b) Applicants for projects that receive funding assistance pursuant to this section shall be required to pay 33 1/3 percent of the project's total capital costs.

(c) The water management district shall be required to pay 33 1/3 percent of the project's total capital costs.

(5) After conducting one or more meetings to solicit public input on eligible projects for implementation of alternative water supply projects, the governing board of each water management district shall select projects for funding assistance based upon the above criteria. The governing board may select a project identified or listed as an alternative water supply development project in the regional water supply plan, or may select an alternative water supply projects not identified or listed in the regional water supply plan but which are consistent with the goals of the plans.

(6) Once an alternative water supply project is selected by the governing board, the applicant and the water management district must, in writing, each commit to a financial contribution of 33 1/3 percent of the project's total capital costs. The water management district shall then submit a request for distribution of revenues held by the department in the district's alternative water supply account. The request must include the amount of current and projected water demands within the water management district, the additional water made available by the project, the date the water will be made available, and the applicant's and water management district's financial commitment for the alternative water supply project. The department shall establish factors to determine whether state financial assistance for an alternative water supply project shall be granted. Upon receipt of a request from a water management district, the department shall determine whether the alternative water supply project meets the department's criteria for financial assistance. The department shall establish factors to determine whether state financial assistance for an alternative water supply project shall be granted.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

If the department determines that the project should receive financial assistance, the department shall distribute to the water management district 33 1/3 percent of the total capital costs from the district's alternative water supply account.

Section 21. Section 373.19616, Florida Statutes, is created to read:

373.19616 Water Transition Assistance Program.--

(1) The Legislature recognizes that as a result of Florida's increasing population, there are limited ground water resources in some portions of the state to serve increased water quantities demands. As a result, a

transition from ground water supply to more expensive alternative water supply is necessary. The purpose of this section is to assist local governments by establishing a low-interest revolving loan program for infrastructure financing for alternative water supplies.

(2) For purposes of this section, the term:

(a) "Alternative water supplies" has the same meaning as provided in s. 373.19615(2).

(b) "Local government" has the same meaning as provided in s. 373.19615(2).

(3) The Department of Environmental Protection is authorized to make loans to local governments to assist them in planning, designing, and constructing alternative water supply projects. The department may provide loan guarantees, purchase loan insurance, and refinance local debt through issue of new loans for alternative water supply projects approved by the department. Local governments may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on such loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution.

(5) In order to ensure that public moneys are managed in an equitable and prudent manner, the total amount of money loaned to any local government during a fiscal year shall be no more than 25 percent of the total funds available for making loans during that year. The minimum amount of a loan shall be $75,000.

(6) The department may adopt rules that:

(a) Set forth a priority system for loans based on factors provided for in s. 373.19615(6)(a) and (b).

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require adequate security to ensure that each loan recipient can meet its loan payment requirements.

(d) Establish, at the department's discretion, a specific percentage of funding, not to exceed 20 percent, for financially disadvantaged communities for the development of alternative water supply projects. The department shall include within the rule a definition of the term "financially disadvantaged community," and the criteria for determining whether the project serves a financially disadvantaged community. Such criteria shall be based on the median household income of the service population or other reliably documented measures of disadvantaged status.

(e) Require each project receiving financial assistance to be cost-effective, environmentally sound, implementable, and self-supporting.

(7) The department shall prepare a report at the end of each fiscal year detailing the financial assistance provided under this section and outstanding loans.

(8) Prior to approval of a loan, the local government shall, at a minimum:

(a) Provide a repayment schedule.

(b) Submit evidence of the ability of the project proposed for financial assistance to be permitted and implemented.

(c) Submit plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Provide assurance that records will be kept using generally accepted accounting principles and that the department or its agent and the Auditor General will have access to all records pertaining to the loan.

(9) The department may conduct an audit of the loan project upon completion or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(10) The department may require reasonable service fees on loans made to local governments to ensure that the program will be operated in perpetuity and to implement the purposes authorized under this section. Service fees shall not be more than 4 percent of the loan amount exclusive of the service fee. The fee revenues, and interest earnings thereon, shall be used exclusively to carry out the purposes of this section.

(11) All moneys available for financial assistance under this section shall be appropriated to the department exclusively to carry out this program. The principal and interest of all loans repaid and interest shall be used exclusively to carry out this section.

(12)(a) If a local government agency defaults under the terms of its loan agreement, the department shall certify the default to the Chief Financial Officer, shall forward the delinquent amount to the department from any unobligated funds due to the local government agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage alternative water supply project.

(b) The department may impose penalty for delinquent local payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(13) The department may terminate or rescind a financial assistance agreement when the local government fails to comply with the terms and conditions of the agreement.

Section 22. Paragraphs (l) and (m) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--

(24) STATUTORY EXEMPTIONS.--

(l) Any proposed development or redevelopment within an area designated for:

1. Urban infill development as designated in the comprehensive plan;

2. Urban redevelopment as designated in the comprehensive plan;

3. Downtown revitalization as designated in the comprehensive plan; or

4. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan,

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may elect, upon adoption of an ordinance, to not have this exemption apply within its boundaries. A copy of such ordinance shall be transmitted to the state land planning agency and the applicable regional planning council.

(m) Any proposed development within a rural land stewardship area created pursuant to s. 163.3177(11)(d) is exempt from the provisions of this section.

Section 23. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction; changes in guidelines and standards ~~chs. 2002-20 and 2002-296~~.--

(1) A change in a development of regional impact guideline or standard does not abridge or modify ~~Nothing contained in this act abridges or modifies~~ any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact ~~on the effective date of this act~~. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but would ~~is~~ no longer be required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651 ~~this act~~, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall ~~may~~ be rescinded by the local

government with jurisdiction upon a showing by clear and convincing evidence that all required mitigation relating to the amount of development existing on the date of rescission has been completed ~~abandoned pursuant to the process in s. 380.06(26)~~.

(2) A development with an application for development approval pending, and determined sufficient pursuant to s. 380.06(10), on the effective date of a change to the guidelines and standards ~~this act~~, or a notification of proposed change pending on the effective date of a change to the guidelines and standards ~~this act~~, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).

Section 24. The Office of Program Policy Analysis and Government Accountability shall conduct a study on adjustments to the boundaries of regional planning councils, water management districts, and transportation districts. The purpose of the study is to organize these regional boundaries, without eliminating any regional agency, to be more coterminous with one another, creating a more unified system of regional boundaries. The study must be completed by December 31, 2005, and a study report submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor and the Century Commission for a Sustainable Florida by January 15, 2006.

Section 25. Subsections (2), (3), (6), and (12) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.--

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. Any updated ~~The~~ interlocal agreements and amendments to such agreements shall be submitted to the state land planning agency and the Office of Educational Facilities ~~and the SMART Schools Clearinghouse~~ in accordance with a schedule published by the state land planning agency pursuant to s. 163.3177(12)(h).

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital outlay full-time equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

(b)~~(c)~~ If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(c)~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(9) must be updated and executed pursuant to the requirements of subsections (2)-(9), if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(9) must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4).~~ Local governments and the district school board in each school district are encouraged to adopt a single updated interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(9) and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(9), the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) ~~At a minimum,~~ The interlocal agreement must address the ~~following~~ issues required in s. 163.31777.~~:~~

~~(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.~~

~~(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.~~

~~(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.~~

~~(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.~~

~~(e) A process for the school board to inform the local government regarding school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.~~

~~(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.~~

~~(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.~~

~~(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.~~

~~(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.~~

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before July 1, 2005, ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2)-(8) ~~if the element is adopted prior to or within 1 year after the effective date of subsections (2)-(8) and remains in effect~~.

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 120 ~~90~~ days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

Section 26. Section 1013.352, Florida Statutes, is created to read:

1013.352 Charter School Incentive Program for Sustainable Schools.--

(1) There is hereby created the "Charter School Incentive Program for Sustainable Schools." Recognizing that there is an increasing deficit in educational facilities in this state, the Legislature believes that there is a need for creativeness in planning and development of additional educational facilities. To assist with the development of educational facilities, those charter schools whose charters are approved within 18 months after the effective date of this act shall be eligible for state funds under the following conditions:

(a) The charter school is created to address school over-capacity issues or growth demands within the county.

(b) A joint letter from the district school board and the charter school has been submitted with the proposed charter school charter that provides that the school board authorized the charter school as a result of school overcrowding or growth demands within the county and the school board requests that the requirement of s. 1013.62(1)(a)1. are waived.

(c) The charter school has received an in-kind contribution or equivalent from an outside source other than the district school board that has been, at a minimum, equally matched by the district school board.

Notwithstanding s. 1013.62(7), if the above conditions apply, the Commissioner of Education, in consultation with the Department of Community Affairs shall distribute up to $3 million per charter school based upon the amount of the in-kind contribution or functional equivalent from an outside source that has been matched by the district school board or the contribution or functional equivalent by the district school board, whichever amount is greater, up to $3 million. Under no conditions may the Commissioner of Education distribute funds to a newly chartered charter school that has not received an in-kind contribution or equivalent from an outside source other than the district school board and which has not been, at a minimum, equally matched by the district school board.

(2) A newly created charter school that receives distribution of funds under this program shall not be eligible for charter schools outlay funding under s. 1013.62.

Section 27. Subsection (2) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.--Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the

annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(b) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "High Growth County Facility Construction Account." The account shall be used to provide necessary construction funds to high growth school districts which have urgent construction needs, but which lack sufficient resources at present and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue and local sources. A school district requesting funding from the account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 2-year period, provided that any grants received under this paragraph must be fully expended in order for a district to apply for additional funding under this paragraph and all Classrooms First funds have been allocated and expended by the district. The first year of the 2-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth with priority given to those districts that have equaled or exceeded twice the statewide average in growth in capital outlay full-time equivalent students over the previous 4 fiscal years; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department with priority given to these districts with 20,000 or more capital outlay full-time equivalent students; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project includes either a recreational facility or media center that will be jointly used with a local government.

4. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

5. The district must have selected and had approved a site for the construction project in compliance with the interlocal agreement with the appropriate local government, s. 1013.36, and the rules of the State Board of Education.

6. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the state requirements for educational facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

7. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

8. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days after receipt of its encumbrance authorization from the department.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(c)~~(b)~~ The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.

(d)~~(c)~~ The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session. For the initial year of the funding of the program outlined in paragraph (b), the Special Facility Construction Committee shall authorize the disbursement of funds appropriated by the Legislature for the purposes of the program funded by the High Growth County Facility Construction Account created in paragraph (b).

Section 28. School Concurrency Task Force.—

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to

provisions of law and rules.

Section 29. Section 163.31776, Florida Statutes, is repealed.

Section 30. Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the transportation provisions of the Sustainable Florida Act of 2005. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2005-2006. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), Florida Statutes. The department shall provide a report to the President of the Senate and the Speaker of the House of Representative by February 1, 2006, identifying the program adjustments it has made consistent with the provisions of the Sustainable Florida Transportation Program.

Section 31. Beginning July 1, 2005 and in quarterly installments from the General Revenue Fund, $368,250,000 shall be transferred to the State Transportation Trust Fund from non-recurring funds and $566,750,000 shall be transferred to the State Transportation Trust Fund from recurring funds.

(1) From the State Transportation Trust Fund the following appropriations are made from non-recurring funds in fiscal year 2005-2006:

(a) The sum of $268,250,000 shall be for the Transportation Incentive Grant Program for a Sustainable Florida as specified in s.339.28171, Florida Statutes.

(b) The sum of $100,000,000 shall be to the State Infrastructure Bank as specified in s. 339.55, Florida Statutes.

(2) From the State Transportation Trust Fund, the following appropriations are made from recurring funds for Fiscal Year 2005-2006:

(a) The sum of $35,000,000 shall be for the Small County Outreach Program as specified in s.339.2818, Florida Statutes.

(b) The sum of $50,000,000 shall be for the New Starts Transit Program for the purposes specified in 49 U.S.C. 5309, and administered pursuant to the provisions of s. 341.051, Florida Statutes.

(c) The sum of $400,000,000 shall be for the Strategic Intermodal System as specified in ss. 339.61-339.64, Florida Statutes.

(d) The sum of $81,250,000 shall be for the Transportation Incentive Grant Program for a Sustainable Florida as specified in s. 339.28171, Florida Statutes.

Section 32. Funding for Sustainable Water Supplies.--Effective July 1, 2005, the sum of $100 million from recurring general revenue for distribution pursuant to s. 373.19615, Florida Statutes. The sum of $50 million from nonrecurring general revenue is appropriated to the Department of Environmental Protection for distribution pursuant to s. 373.19616, Florida Statutes.

Section 33. Funding for Sustainable Schools.--In order to provide for innovative approaches to meet school capacity demands, effective July 1, 2005, the sum of $50 million is appropriated from recurring general revenue to the Department of Education to be used as follows:

(1) The sum of $35 million from recurring general revenue shall be used for the Charter School Incentive Program for Sustainable Schools created pursuant to section 1013.352, Florida Statutes.

(2) The sum of $15 million from recurring general revenue shall be used for educational facilities benefit districts as provided in s. 1013.356(3), Florida Statutes, as follows: for construction and capital maintenance costs not covered by the funds provided under s. 1013.356(1), Florida Statutes, in fiscal year 2005-2006, an amount contributed by the state equal to 25 percent of the remaining costs of construction and capital maintenance of the educational facilities, up to $2 million. Any construction costs above the cost-per-student criteria established for the SIT Program in s. 1013.72(2), Florida Statutes, shall be funded exclusively by the educational facilities benefit district or the community development district. Funds contributed by a district school board shall not be used to fund operational costs. Funds not committed by March 31, 2006, revert to the Charter School Incentive Program for Sustainable Schools created pursuant to s. 1013.352, Florida Statutes.

Section 34. (1) Effective July 1, 2005, the sum of $85,618,291 is appropriated from nonrecurring general revenue for the Classrooms for Kids Program pursuant to s. 1013.735, Florida Statutes.

(2) Effective July 1 2005, the sum of $246,131,709 is appropriated from nonrecurring general revenue to assist school districts in meeting the school concurrency provisions under this act. Such funds shall be distributed to school districts under the formula pursuant to s. 1013.735(1), Florida Statutes

Section 35. Statewide Technical Assistance for a Sustainable Florida.--In order to assist local governments and school boards to implement the provisions of this act, effective July 1, 2005, the sum of $3 million is appropriated from recurring general revenue to the Department of Community Affairs. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation of whether additional funds should be appropriated to provide additional technical assistance to implement this act.

Section 36. Effective July 1, 2005, the sum of $250,000 is appropriated from recurring general revenue to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission for a Sustainable Florida required by section 11.

Section 37. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to growth management incentives; providing a popular name; amending s. 163.3164, F.S.; revising a definition to conform; defining the term "financial feasibility"; creating s. 163.3172, F.S.; providing legislative determinations; limiting the effect of certain charter county charter provisions, ordinances, or land development regulations relating to urban infill and redevelopment under certain circumstances; requiring a referendum; providing referendum requirements; amending s. 163.3177, F.S.; revising criteria for the capital improvements element of comprehensive plans; providing for subjecting certain local governments to sanctions by the Administration Commission under certain circumstances; deleting obsolete provisions; requiring local governments to adopt a transportation concurrency management system by ordinance; requiring inclusion of alternative water supply projects; providing a methodology requirement; requiring the Department of Transportation to develop a model transportation concurrency management ordinance; specifying ordinance assessment authority; providing additional requirements for a general water element of comprehensive plans; revising public educational facilities element requirements; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring counties and municipalities to adopt consistent public school facilities and enter into certain interlocal agreements; authorizing the state land planning agency to grant waivers under certain circumstances; providing additional requirements for public school facilities elements of comprehensive plans; requiring the state land planning agency to adopt phased schedules for adopting a public school facilities element; providing requirements; providing requirements; providing conditions for prohibiting local governments from certain adopting amendments to the comprehensive plan; authorizing the state land planning agency to issue schools certain show cause notices for certain purposes; providing for imposing sanctions on a school board under certain circumstances; providing requirements; encouraging local governments to develop a community vision for certain purposes; providing for assistance by regional planning councils; providing for local government designation of urban service boundaries; providing requirements; amending s. 163.31777, F.S.; applying public schools interlocal agreement provisions to school boards and nonexempt municipalities; deleting a scheduling requirement for public schools interlocal agreements; providing additional requirements for updates and amendments to such interlocal agreements; revising procedures for public school elements implementing school concurrency; revising exemption criteria for certain

municipalities; amending s. 163.3180, F.S.; including schools and water supplies under concurrency provisions; revising a transportation facilities scheduling requirement; requiring local governments and the Department of Transportation to cooperatively establish a plan for maintaining certain level-of-service standards for certain facilities within certain areas; requiring local governments to consult with the department to make certain impact assessments relating to concurrency management areas and multimodal transportation districts; revising criteria for local government authorization to grant exceptions from concurrency requirements for transportation facilities; providing for waiving certain transportation facilities concurrency requirements for certain projects under certain circumstances; providing criteria and requirements; revising provisions authorizing local governments to adopt long-term transportation management systems to include long-term school concurrency management systems; revising requirements; requiring periodic evaluation of long-term concurrency systems; providing criteria; revising requirements for roadway facilities on the Strategic Intermodal System; providing additional level-of-service standards requirements; revising requirements for developing school concurrency; requiring adoption of a public school facilities element for effectiveness of a school concurrency requirement; providing an exception; revising service area requirements for concurrency systems; requiring local governments to apply school concurrency on a less than districtwide basis under certain circumstances for certain purposes; revising provisions prohibiting a local government from denying a development order or a functional equivalent authorizing residential developments under certain circumstances; specifying conditions for satisfaction of school concurrency requirements by a developer; providing for mediation of disputes; specifying options for proportionate-share mitigation of impacts on public school facilities; providing criteria and requirements; providing legislative intent relating to mitigation of impacts of development on transportation facilities; authorizing local governments to create mitigation banks for transportation facilities for certain purposes; providing requirements; specifying conditions for satisfaction of transportation facilities concurrency by a developer; providing for mitigation; providing for mediation of disputes; providing criteria for transportation mitigation contributions; providing for enforceable development agreements for certain projects; specifying conditions for satisfaction of concurrency requirements of a local comprehensive plan by a development; amending s. 163.3184, F.S.; correcting cross references; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain municipalities; providing procedures and requirements; providing for notice and public hearings; correcting a cross reference; providing for nonapplication; amending s. 163.3191, F.S.; revising requirements for evaluation and assessment of the coordination of a comprehensive plan with certain schools; providing additional assessment criteria for certain counties and municipalities; requiring certain counties and municipalities to adopt appropriate concurrency goals, objectives, and policies in plan amendments under certain circumstances; revising reporting requirements for evaluation and assessment of water supply sources; providing for a prohibition on plan amendments for failure to timely adopt updating comprehensive plan amendments; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; amending ss. 337.107 and 337.11, F.S.; revising authorization for the Department of Transportation to contract for right-of-way services; providing additional requirements; amending s. 339.08, F.S.; specifying an additional use for moneys in the State Transportation Trust Fund; amending s. 339.135, F.S.; revising provisions relating to funding and developing a tentative work program; amending s. 339.155, F.S.; providing additional requirements for development of regional transportation plans in certain areas pursuant to interlocal agreements; requiring the department to develop a model interlocal agreement; providing requirements; amending s. 339.175, F.S.; revising requirements for metropolitan planning organizations and transportation improvement programs; creating s. 339.28171, F.S.; creating the Transportation Incentive Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages and requirements for apportioning matching funds among grant applicants; authorizing the department to administer contracts as requested by local governments; amending s. 339.2818, F.S.; revising criteria and requirement for the Small County Outreach Program to conform; creating s. 339.2820, F.S.; creating the Off-System Bridge Program for Sustainable Transportation within the Department of Transportation for certain purposes; providing for funding certain project costs; requiring the department to allocate funding for the program for certain projects; specifying criteria for projects to be funded from the program; amending s. 339.55, F.S.; revising funding authorization for the state-funded infrastructure bank ; creating s. 373.19615, F.S.; creating the Florida's Sustainable Water Supplies Program; providing funding requirements for local government development of alternative water supply projects; providing for allocation of funds to water management districts; providing definitions; specifying factors to consider in funding certain projects; providing funding requirements; requiring the Department of Environmental Protection to establish factors for granting financial assistance to eligible projects; creating s. 373.19616, F.S.; creating the Water Transition Assistance Program to establish a low-interest revolving loan program for infrastructure financing for alternative water supplies; providing legislative declarations; providing definitions; authorizing the Department of Environmental Protection to make loans to local governments for certain purposes; authorizing local governments to borrow funds and pledge revenues for repayment; providing loan limitations; authorizing the department to adopt certain rules; requiring the department to prepare an annual report on such financial assistance; providing loan approval requirements for local governments; authorizing the department to conduct or require audits; authorizing the department to require reasonable loan service fees; providing limitations; providing requirements for financial assistance funding; providing for enforcement of loan defaults; authorizing the department to impose penalties for delinquent loan payments; authoriaing the department to terminate financial assistance agreements under certain circumstances; amending s. 373.223, F.S.; providing a presumption of consistency for certain alternative water supply uses; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; amending s. 380.115, F.S.; revising provisions relating to preserving vested rights and duties under development of regional impact guidelines and standards; revising procedures and requirements for governance and rescission of development-of-regional-impact development orders under changing guidelines and standards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on adjustments to boundaries of regional planning councils, water management districts, and transportation districts; providing purposes; requiring a study report to the Governor and Legislature; amending s. 1013.33, F.S.; revising provisions relating to coordination of educational facilities planning pursuant to certain interlocal agreements; revising procedures and

requirements for updated agreements and agreement amendments; creating s. 1013.352, F.S.; creating a Charter School Incentive Program for Sustainable Schools; providing purposes; specifying conditions for eligibility for state funds; authorizing the Commissioner of Education to waive certain requirements and distribute certain funds to charter schools under certain circumstances; prohibiting the commissioner from distributing funds to certain schools under certain circumstances; providing for ineligibility of certain schools for charter school outlay funding under certain circumstances; amending s. 1013.64, F.S.; requiring the Department of Education to establish a the High Growth County Facility Construction Account as a separate account within the Public Education Capital Outlay and Debt Service Trust Fund for certain purposes; specifying requirements for funding from the account; creating the School Concurrency Task Force; providing purposes; providing for membership; requiring a report to the Governor and Legislature; repealing s. 163.31776, F.S., relating to the public educational facilities element; requiring the Department of Transportation to allocate sufficient funds so implement the transportation provisions of the act; requiring the department to develop a plan to expend revenues and amend the current work program; requiring the department to submit a budget amendment for certain purposes; requiring a report to the Legislature; providing for funding for sustainable water supplies; providing an appropriation; providing for allocation of the appropriation; specifying uses of appropriations; providing for funding for sustainable schools; providing an appropriation; providing for allocation of the appropriation; specifying uses of the appropriation; providing for Statewide Technical Assistance for a Sustainable Florida; providing an appropriation; specifying uses; requiring the Department of Community Affairs to report to the Governor and Legislature; specifying report requirements; providing an appropriation to the Department of Community Affairs for certain staffing purposes; providing an effective date.

WHEREAS, the Legislature finds and declares that the state's population has increased by approximately 3 million individuals each decade since 1970 to nearly 16 million individuals in 2000, and

WHEREAS, increased populations have resulted in greater density concentrations in many areas around the state and created growth issues that increasingly overlap multiple local government jurisdictional and state agency district boundaries, and

WHEREAS, development patterns throughout areas of the state, in conjunction with the implementation of growth management policies, have increasingly caused urban flight which has resulted in urban sprawl and cause capacity issues related to transportation facilities, public educational facilities, and water supply facilities, and

WHEREAS, the Legislature recognizes that urban infill and redevelopment is a high state priority, and

WHEREAS, consequently, the Legislature determines it in the best interests of the people of the state to undertake action to address these issues and work towards a sustainable Florida where facilities are planned and available concurrent with existing and projected demands while protecting Florida's natural and environmental resources, rural and agricultural resources, and maintaining a viable and sustainable economy, and

WHEREAS, the Legislature enacts measures in the law and earmarks funds for the 2005-2006 fiscal year intended to result in a reemphasis on urban infill and redevelopment, achieving and maintaining concurrency with transportation and public educational facilities, and instilling a sense of intergovernmental cooperation and coordination, and

WHEREAS, the Legislature will establish a standing commission tasked with helping Floridians envision and plan their collective future with an eye towards both 25-year and 50-year horizons, NOW, THEREFORE,

Rep. Johnson moved the adoption of the amendment.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 714115)

Amendment 1 to Amendment 1—Remove line 3887 and insert:

developers and homebuilders, the business community, the agriculture community, the environmental community, and other

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 000417)

Substitute Amendment 1 (with title amendment)—Remove the entire body and insert:

Section 1. Popular name.--This act may be cited as the "Sustainable Florida Act of 2005."

Section 2. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(32) "Financial feasibility" means sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements and as otherwise identified within this act necessary to ensure that adopted level-of-service standards are achieved and maintained within the 5-year schedule of capital improvements.

Section 3. Section 163.3172, Florida Statutes, is created to read:

163.3172 Urban infill and redevelopment.--In recognition that urban infill and redevelopment is a high state priority, the Legislature determines that local governments should not adopt charter provisions, ordinances, or land development regulations that discourage this state priority, unless the charter provisions, ordinances, or land development regulations are to limit impacts to coastal high-hazard areas, historic districts, or aviation operations. Higher density urban development is appropriate in urban core areas and should be encouraged in such areas. Conversely, it is appropriate to discourage greater height and density as a development form in areas outside the urban core where such development forms are incompatible with existing land uses. Notwithstanding chapters 125 and 163, any existing or future charter county charter provision, ordinance, land development regulation, or countywide special act that governs the use, development, or redevelopment of land shall not be effective within any municipality of the county unless the charter provision, ordinance, land development regulation, or countywide special act is approved by a majority vote of the municipality's governing board or is approved by a majority vote of the county's governing board for placement on the ballot as a countywide referendum and:

(1) The ballot form includes a ballot summary of the measure being voted on, which has been agreed to by the municipalities of the county, in addition to any other requirements of law. If no agreement on the ballot summary language is reached with the municipalities of the county, the ballot form shall also contain an estimate, as created by the municipalities, individually, or if desired by the municipalities, cumulatively, of the fiscal impact of the measure upon the municipality.

(2) The referendum is approved by a majority vote of the electors of the county voting in the referendum.

Existing charter provisions and countywide special acts that have been approved by referendum prior to the effective date of this act must be readopted in accordance with this section in order to apply within a

municipality. However, any existing charter county charter provision that has established a rural boundary as delineated on a rural boundary map shall not be required to have the charter provision readopted in accordance with this section and shall continue to apply within municipalities of the charter county. In the event of a conflict between a countywide ordinance and a municipal ordinance within a charter county that regulates expressive conduct, the more restrictive ordinance shall govern. In addition, the requirements of this section restricting charter county charter provisions, ordinances, or land development regulations concerning building height restrictions shall not apply within any areas of critical state concern designated pursuant to s. 380.05-380.0555.

Section 4. Subsection (3), paragraphs (a), (b), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsection (13) is added to said section, to read:

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

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects and which may include privately funded projects.

6. The schedule of transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)1. The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements.~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs~~,~~, revenue sources, or~~;~~ acceptance of facilities pursuant to dedications which are consistent with the plan~~, or the date of construction~~ of any facility enumerated in the capital improvements schedule ~~element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter until the local government has adopted the annual update and the annual update has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6). Amendments to the 5-year schedule of capital improvements adopted after the effective date of this act shall not be subject to challenge by an affected party. If the department finds an amendment pursuant to this subparagraph not in compliance, the local government may challenge that determination pursuant to s. 163.3184(10).

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met.~~ Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent

possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system which shall include a methodology for assessing proportionate share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate share options. The transportation concurrency management ordinance may assess a concurrency impact area by districts or systemwide.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. Within 18 months after the governing board approves an updated regional water supply plan, the local government shall submit a comprehensive plan amendment that incorporates the alternative water supply projects selected by the local government from those identified in the regional supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361, into the element. If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated ~~By December 1, 2006, The element must consider the appropriate water management district's~~ regional water supply plan ~~approved pursuant to s. 373.0361~~. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public water supply facilities, including development of alternative water supplies that are necessary to meet existing and projected water use demand over the work planning period. The work plan shall also describe how the water supply needs will be met over the course of the planning period from any other providers of water, if applicable ~~that are identified in the element as necessary to serve existing and new development and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within 18 ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

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

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

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

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

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

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt

from the provisions of s. 163.3187(1).

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

6. ~~By January 1, 2004,~~ Any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

9. By February 1, 2003, representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

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

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

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

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

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

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

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

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of ~~assign to the area a certain number of credits, to be known as "transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within ~~assigned to~~ the rural land stewardship area must enable the realization of

the long-term vision and goals for ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

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

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

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

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

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

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

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

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

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

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land, or in locations where the retention of ~~and a lesser number of credits to be assigned to~~ open space and agricultural land is a priority, to such lands.

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

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

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

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

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

9. In recognition of the benefits of conceptual long-range planning, restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of the agricultural economy of this state; and protection of the character of rural areas of this state that will result from a rural land stewardship area, and to further encourage the innovative planning and development strategies in a rural land stewardship area, development within a rural land stewardship area is exempt from the requirements of s. 380.06.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

(a) Each county and each municipality within the county must adopt a consistent public school facilities element and enter an interlocal agreement pursuant to s. 163.31777. The state land planning agency may provide a waiver to a county and to the municipalities within the county if the utilization rate for all schools within the district is less than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. At its discretion, the state land planning agency may grant a waiver to a county or municipality for a single school to exceed the 100 percent limitation if it can be demonstrated that the capacity for that single school is not greater than 105 percent. A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

3. The municipality has no public schools located within its boundaries.

4. At least 80 percent of the developable land within the boundaries of the municipality has been developed.

(b)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(c)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(d)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(e)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(f)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision of ~~supporting~~ infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to ensure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;

5. Provision of colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision of location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and

9. Coordination with the future land use element.

(g)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

(h) The state land planning agency shall establish phased schedules for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule for the updated public schools interlocal agreement shall provide for each county and municipality within the county to submit the agreement no later than December 1, 2006. The schedule for the public schools facilities element must provide for each county and municipality to submit the adopted element to the state land planning agency by December 1, 2008. The state land planning agency may grant a 1-year extension for the adoption of the element if a request is justified by good and sufficient cause as determined by the agency. The state land planning agency shall set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(i) Failure to timely adopt updating amendments to the comprehensive plan that are necessary to implement school concurrency prior to December 1, 2008, unless a one-year extension has been granted, shall result in a local government being prohibited from adopting amendments to the comprehensive plan that increase residential density until the necessary amendments have been adopted and the adopted amendments have been transmitted to the state land planning agency.

(j) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes the local government's fiscal constraints, and protects the local government's natural resources pursuant to s. 163.167(11). At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

Section 5. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.--

(1)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement ~~with the district school board~~ which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities and the SMART Schools Clearinghouse in accordance with a schedule published by the state land planning agency~~.

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital outlay full-time equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

(b)~~(c)~~ If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(c)~~(d)~~ ~~Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single updated interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(2) ~~At a minimum,~~ The interlocal agreement shall acknowledge the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis and the land use authority of local governments, including their authority to approve

or deny comprehensive plan amendments and development orders. The interlocal agreement must address the following issues:

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

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

(c) Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted levels-of-service standards.

(d) A process for establishing a financially feasible public school capital facilities program and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

(e) If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other applicable factors.

(f) Establish a uniform districtwide procedure for implementing school concurrency which provides for:

1. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools.

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

(g) A process and uniform methodology for determining proportionate-share mitigation pursuant to s. 380.06.

(h)~~(a)~~ A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(i)~~(b)~~ A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(j)~~(c)~~ Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(k)~~(d)~~ A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

~~(e) A process for the school board to inform the local government regarding school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.~~

(l)~~(f)~~ Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(m)~~(g)~~ A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(n)~~(h)~~ A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(o)~~(i)~~ An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(p) A process for development of a public school facilities element pursuant to 163.3177(12).

(q) Provisions for siting and modification or enhancements to existing school facilities so as to encourage urban infill and redevelopment.

(r) A process for the use and conversion of historic school facilities that are no longer suitable for educational purposes as determined by the district school board.

(s) A process for informing the local government regarding the effect of comprehensive plan amendments and rezonings on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(t) A process to ensure an opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

For those local governments that receive a waiver pursuant to s. 163.3177(2)(a), the interlocal agreement shall not include the issues provided for in paragraphs (a), (c), (d), (e), (f), (g), and (p). For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system. ~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(3)~~(a)~~ The updated interlocal agreement, adopted pursuant to the schedule adopted in accordance with s. 163.3177(12)(h), and any subsequent amendments must be submitted to the state land planning agency and the Office of Educational Facilities within 30 days after execution by the parties for review consistent with this section. The office ~~and SMART Schools Clearinghouse~~ shall submit any comments or concerns regarding the executed interlocal agreement or amendments to the state land planning agency within 30 days after receipt of the executed interlocal agreement or amendments. The state land planning agency shall review the updated executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an updated executed interlocal agreement or amendment, the state land planning agency shall publish a notice on the agency's Internet website that states ~~of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state~~ whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s.~~

~~163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

(4) If an updated executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before July 1, 2005 ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of this section ~~if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect~~.

(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3). ~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12) ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 6. Paragraph (a) of subsection (1), paragraphs (a) and (c) of subsection (2), paragraph (c) of subsection (4), subsections (5), (6), (7), (9), (10), and (13), and paragraph (a) of subsection (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to said section, to read:

163.3180 Concurrency.--

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction within 3 ~~not more than 5~~ years after issuance by the local government of a building permit ~~certificate of occupancy~~ or its functional equivalent for construction of a facility that results in actual traffic generation. This provision shall not apply to developments of regional impact for which a development order has been issued or for which a development of regional impact application has been found sufficient prior to the effective date of this act. ~~Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation and public school facilities, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the ~~state comprehensive plan and~~ the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency

requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (c) in the comprehensive plan. These guidelines must include consideration of the Strategic Intermodal System ~~impacts on the Florida Intrastate Highway System, as defined in s. 338.001~~. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities pursuant to s. 339.64.

(e) It is a high state priority that urban infill and redevelopment be promoted and provide incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved and urban sprawl will be discouraged. If a local government creates a long-term vision for its community that includes adequate funding and services and multimodal transportation options, the transportation facilities concurrency requirements of paragraph (2)(c) are waived for:

1.a. Urban infill development as designated in the comprehensive plan;

b. Urban redevelopment as designated in the comprehensive plan;

c. Downtown revitalization as designated in the comprehensive plan; or

d. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan.

The local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64.

2. Municipalities that are at least 90 percent built-out. For purposes of this exemption:

a. The term "built-out" means that 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of 5 units per acre for residential developments.

b. The municipality must have adopted an ordinance that provides the methodology for determining its built-out percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies, including alternative modes of transportation within the municipality. Prior to the adoption of the ordinance, the Department of Transportation shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Further, the local government shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the department for Strategic Intermodal System facilities, as defined in s. 339.64.

c. If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.

d. If transportation concurrency requirements are waived under this subparagraph, the municipality must adopt a comprehensive plan amendment pursuant to s. 163.3187(1)(c) which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance adopted in subparagraph b. to the state land planning agency.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. ~~Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area.~~ Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall annually adjust its concurrency management system calculation of existing background traffic to reflect projects permitted under the de minimis exemption.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan ~~a~~ long-term transportation and school concurrency management systems ~~system~~ with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and shall ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction ~~permits~~ in these designated districts or areas. The concurrency management system. ~~It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed

in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.
2. For roads, whether the backlog is on local or state roads.
3. The cost of eliminating the backlog.
4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction, notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, the government must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service or providing other methods of transportation.

(10) With regard to roadway facilities on the Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64 ~~Florida Intrastate Highway System as defined in s. 338.001, with concurrence from the Department of Transportation, the level of service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation.

(13) In accordance with the schedule adopted in accordance with s. 163.3177(12)(h), school concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12), except that this subsection shall not apply to the Florida School for the Deaf and the Blind. The development of school concurrency shall be accomplished through a coordinated process including the local school district, the county, and all nonexempt municipalities within the county and shall be reflected in the public school facilities element adopted pursuant to the schedule provided for in s. 163.3177(12)(h). The school concurrency requirement shall not be effective until the adoption of the public school facilities element. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.--A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

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

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

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

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

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

make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

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

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

(e) Availability standard.--Consistent with the public welfare, a local government may not deny an application for site plan or final subdivision approval, or a functional equivalent for a development or phase of a development, ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the ~~permit~~ issuance by the local government of site plan or final subdivision approval or its functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. Mitigation for development impacts to public schools requires the concurrence of the local school board. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion of such facility, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement that is identified in the financially feasible 5-year district work plan and that will be provided in accordance with a legally binding agreement.

(f) Intergovernmental coordination.--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

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

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

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

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

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

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

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

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

~~5. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital~~

~~facilities program into the local government comprehensive plans on an annual basis.~~

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

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

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

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

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

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

(15)

(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the local government shall consult with the Department of Transportation to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64. Multimodal transportation districts existing prior to July 1, 2005, shall meet at a minimum, the provision of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(16)(a) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

(b) When authorized in a local government comprehensive plan, local governments may create mitigation banks for transportation facilities to satisfy the concurrency provisions of this section, using the process and methodology developed in accordance with s. 163.3177(6)(b). The Department of Transportation, in consultation with local governments, shall develop a process and uniform methodology for determining proportionate-share mitigation for development impacts on transportation corridors that traverse one or more political subdivisions.

(c) Mitigation contributions shall be used to satisfy the transportation concurrency requirements of this section and may be applied as a credit against impact fees. Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation. However, this does not authorize the Department of Transportation to arbitrarily charge a fee or require additional mitigation. Concurrence by the Department of Transportation may not be withheld unduly.

(d) Transportation facilities concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for transportation facilities to be created by actual development of the property, including, but not limited to, the options for mitigation established in the transportation element or traffic circulation element. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Appropriate transportation mitigation contributions may include public or private funds; the contribution of right-of-way; the construction of a transportation facility or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for projects to be funded by a developer.

(17) A development may satisfy the concurrency requirements of the local comprehensive plan, the local government's land development regulations, and s. 380.06 by entering into a legally binding commitment to provide mitigation proportionate to the direct impact of the development. A local government may not require a development to pay more than its proportionate-share contribution regardless of the method mitigation.

Section 7. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (6) of section 163.3184, Florida Statutes, are amended to read:

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

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

(b) "In compliance" means consistent with the requirements of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(4) INTERGOVERNMENTAL REVIEW.--The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177 ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

Section 8. Paragraphs (c) and (l) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (o) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177 ~~163.31776~~ and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(o)1. For municipalities that are more than 90 percent built-out, any municipality's comprehensive plan amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan only if the proposed amendment involves a use of 100 acres or fewer and:

a. The cumulative annual effect of the acreage for all amendments adopted pursuant to this paragraph does not exceed 500 acres.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

2. For purposes of this paragraph, the term "built-out" means 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.

3.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions of s. 166.041(3)(c). If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

4. Amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

5. This paragraph shall not apply if a municipality annexes

unincorporated property that decreases the percentage of build-out to an amount below 90 percent.

5. A municipality shall notify the state land planning agency in writing of its built-out percentage prior to the submission of any comprehensive plan amendments under this subsection.

Section 9. Paragraphs (k) and (l) of subsection (2) and subsection (10) of section 163.3191, Florida Statutes, are amended, and paragraph (o) is added to subsection (2) of said section, to read:

163.3191 Evaluation and appraisal of comprehensive plan.--

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant~~.

(l) The extent to which the local government has been successful in identifying water supply sources, including conservation and reuse, necessary to meet existing and projected water use demand for the comprehensive plan's water supply work plan. The water supply sources evaluated in the report must be consistent with ~~evaluation must consider~~ the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The report must evaluate the degree to which the local government has implemented the work plan for water supply facilities included in the potable water element. ~~The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are identified in the element as necessary to serve existing and new development and for which the local government is responsible.~~

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal district designated pursuant to s. 163.3180(15) has achieved the purposes for which it was created and otherwise complies with the provisions of s. 163.3180.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt updating amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report updating amendments have been transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the updating amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the updating amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

Section 10. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.--

(1) POPULAR NAME.--This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.--The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 20-year and 50-year horizons.

(a) The commission shall consist of nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 3-year terms, and three shall serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.--The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory

provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 20-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth. This report shall be verbally presented to a joint session of both houses annually as scheduled by the President of the Senate and the Speaker of the House of Representatives.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 11. Paragraph (d) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

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

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

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the State Transportation Trust Fund in the Department of Transportation in the amount of $566.75 million each fiscal year to be paid in quarterly installments and allocated for the following specified purposes notwithstanding any other provision of law:

1. New Starts Transit Program pursuant to s. 341.051, $50 million for fiscal year 2005-2006, $65 million for fiscal year 2006-2007, $70 million each fiscal year for fiscal years 2007-2008 through 2009-2010, $80 million for fiscal year 2010-2011 and each fiscal year thereafter.

2. Small County Outreach Program pursuant to s. 339.2818, $35 million for each fiscal year for fiscal years 2005-2006 through 2009-2010, $45 million for fiscal year 2010-2011 and each fiscal year thereafter.

3. Transportation Incentive Program for a Sustainable Florida pursuant to s. 339.28171 $161.75, million for fiscal year 2006-2007, $150 million for fiscal year 2007-2008 and each fiscal year thereafter.

4. Strategic Intermodal System pursuant to s. 339.64, all remaining funds after allocations are made for subparagraphs 1. through 3. ~~The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).~~

Section 12. Subsection (3) of section 215.211, Florida Statutes, is amended to read:

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

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

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

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

The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the Transportation Incentive Program for a Sustainable Florida ~~County Incentive Grant Program~~ and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program created pursuant to s. 339.2818 ~~as provided in this act~~. ~~Notwithstanding any other laws to the contrary, the requirements of ss. 339.135, 339.155, and 339.175 shall not apply to these funds and programs.~~

Section 13. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.--The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 14. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of Florida, is amended to read:

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

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the right-of-way services and design and construction phases of any ~~a building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract, except for a resurfacing or minor bridge project the right-of-way services and design construction phases of which may be combined under

s. 337.025. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 15. Paragraph (j) of subsection (1) of section 339.08, Florida Statutes, is amended, and paragraph (m) of said subsection is redesignated as paragraph (n) and new paragraph (m) is added to said subsection, to read:

339.08 Use of moneys in State Transportation Trust Fund.--

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(j) To pay the cost of county or municipal road projects selected in accordance with the ~~County Incentive Grant Program created in s. 339.2817 and the~~ Small County Outreach Program created in s. 339.2818.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Incentive Program for a Sustainable Florida created in s. 339.28171.

Section 16. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.--

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning and concurrency purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 17. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.--

(5) ADDITIONAL TRANSPORTATION PLANS.--

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by the department and two or more contiguous metropolitan planning organizations, one or more metropolitan planning organizations and one or more contiguous counties that are not members of a metropolitan planning organization, a multicounty regional transportation authority created by or pursuant to law, two or more contiguous counties that are not members of a metropolitan planning organization, or metropolitan planning organizations comprised of three or more counties.

(d) The department shall develop a model draft interlocal agreement that, at a minimum, shall identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. The designated entity shall coordinate the adoption of the interlocal agreement using as its framework the department model. Such interlocal agreement shall become effective upon approval by supermajority vote of the affected local governments.

(e) The regional transportation plan developed pursuant to this section shall, at a minimum, identify regionally significant transportation facilities located within a regional transportation area, and recommend a list to the department for prioritization. The project shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163. 3177(3).

Section 18. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.--It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of

this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.28171.

(1) DESIGNATION.--

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.--

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.--

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in

the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.--The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual

political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. and include those projects programmed pursuant to s. 339.28171.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64;

3. The priorities developed pursuant to s. 339.28171;

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.--

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.--

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in

the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.--Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 19. Section 339.28171, Florida Statutes, is created to read:

339.28171 Transportation Incentive Program for a Sustainable Florida.--

(1) There is created within the Department of Transportation a Transportation Incentive Program for a Sustainable Florida, which may be cited as TRIP for a Sustainable Florida, for the purpose of providing grants to local governments to improve a transportation facility or system which addresses an identified concurrency management system backlog or relieve traffic congestion in urban infill and redevelopment areas. Bridge projects off of the State Highway System are eligible to receive funding from this program.

(2) To be eligible for consideration, projects must be consistent with local government comprehensive plans, the transportation improvement program of the applicable metropolitan organization, and the Strategic Intermodal System plan developed in accordance with s. 339.64.

(3) The funds shall be distributed by the department to each district in accordance with the statutory formula pursuant to s. 339.135(4). The district secretary shall use the following criteria to evaluate the project applications:

(a) The level of local government funding efforts.

(b) The level of local, regional, or private financial matching funds as a percentage of the overall project cost.

(c) The ability of local government to rapidly address project construction.

(d) The level of municipal and county agreement on the scope of the proposed project.

(e) Whether the project is located within and supports the objectives of an urban infill area, a community redevelopment area, an urban redevelopment area, or a concurrency management area.

(f) The extent to which the project would foster public-private partnerships and investment.

(g) The extent to which the project protects environmentally sensitive areas.

(h) The extent to which the project would support urban mobility, including public transit systems, the use of new technologies, and the provision of bicycle facilities or pedestrian pathways.

(i) The extent to which the project implements a regional transportation plan developed in accordance with s. 339.155(2)(c), (d), and (e).

(j) Whether the project is subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

(k) Whether or not the local government has adopted a vision pursuant to s. 163.3167(11) either prior to or after the effective date of this act.

(4) As part of the project application, the local government shall demonstrate how the proposed project implements a capital improvement element and a long-term transportation concurrency system, if applicable, to address the existing capital improvement element backlogs.

(5) The percentage of matching funds available to applicants shall be based on the following:

(a) For projects that provide capacity on the Strategic Intermodal System, the percentage shall be 35 percent.

(b) For projects that provide capacity on regionally significant transportation facilities identified in s. 339.155(2)(c), (d), and (e), the percentage shall be 50 percent or up to 50 percent of the nonfederal share of the eligible project costs for a public transportation facility project. For off-system bridges, the percentage shall be 50 percent. Projects to be funded pursuant to this paragraph shall, at a minimum meet the following additional criteria:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after the effective date of this act, or to implement a long-term concurrency management system adopted a local government in accordance with s. 163.3177(9).

3. Provide connectivity to the Strategic Intermodal System designated pursuant to s. 339.64.

4. Support economic development and the movement of goods in areas of critical economic concern designated pursuant to s. 288.0656(7).

5. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

6. For off-system bridge projects to replaced, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on a federal-aid highway, such projects shall, at a minimum:

(a) Be classified as a structurally deficient bridge with a poor condition rating for either the deck, superstructure, or substructure component, or culvert.

(b) Have a sufficiency rating of 35 or below.

(c) Have average daily traffic of at least 500 vehicles.

Special consideration shall be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons.

(c) For local projects that demonstrate capacity improvements in the urban service boundary, urban infill, or urban redevelopment area or provide such capacity replacement to the State Intrastate Highway System, the percentage shall be 65 percent.

(6) The department may administer contracts at the request of a local government selected to receive funding for a project under this section.

All projects funded under this section shall be included in the department's work program developed pursuant to s. 339.135.

Section 20. Subsection (1) and paragraph (c) of subsection (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.--

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments to improve a transportation facility or system which addresses identified concurrency management system backlog and relieves traffic congestion, or to assist in resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4)

(c) The following criteria shall be used to prioritize road projects for funding under the program:

~~1. The primary criterion is the physical condition of the road as measured by the department.~~

1.~~2.~~ ~~As secondary criteria~~ The department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

e. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

2. As secondary criteria, the department may consider the physical condition of the road as measured by the department.

Section 21. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.--

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for:

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Transportation Incentive Program for a Sustainable Florida projects identified pursuant to s. 339.28171.

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

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

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

Section 22. Section 373.19615, Florida Statutes, is created to read:

373.19615 Florida's Sustainable Water Supplies Program.--

(1) There is hereby created "Florida's Sustainable Water Supplies Program." The Legislature recognizes that alternative water supply projects are more expensive to develop compared to traditional water supply projects. As Florida's population continues to grow, the need for alternative water supplies is also growing as our groundwater supplies in portions of the state are decreasing. Beginning in fiscal year 2005-2006, the state shall annually appropriate $100 million for the purpose of providing funding assistance to local governments for the development of alternative water supply projects. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed to the Department of Environmental Protection. The department shall then distribute the revenues into alternative water supply accounts created by the department for each district for the purpose of alternative water supply development under the following funding formula:

1. Forty percent to the South Florida Water Management District.

2. Twenty-five percent to the Southwest Florida Water Management District.

3. Twenty-five percent to the St. Johns River Water Management District.

4. Five percent to the Suwannee River Water Management District.

5. Five percent to the Northwest Florida Water Management District.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Alternative water supplies" includes saltwater; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan developed under s. 373.0361.

(b) "Capital costs" means planning, design, engineering, and project construction costs.

(c) "Local government" means any municipality, county, special district, regional water supply authority, or multijurisdictional entity, or an agency thereof, or a combination of two or more of the foregoing acting jointly with an alternative water supply project.

(3) To be eligible for assistance in funding capital costs of alternative water supply projects under this program, the water management district governing board must select those alternative water supply projects that will receive financial assistance. The water management district governing board shall establish factors to determine project funding.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

(4)(a) All projects submitted to the governing board for consideration shall reflect the total cost for implementation. The costs shall be segregated pursuant to the categories described in the definition of capital costs.

(b) Applicants for projects that receive funding assistance pursuant to this section shall be required to pay 33 1/3 percent of the project's total capital costs.

(c) The water management district shall be required to pay 33 1/3 percent of the project's total capital costs.

(5) After conducting one or more meetings to solicit public input on eligible projects for implementation of alternative water supply projects, the governing board of each water management district shall select projects for funding assistance based upon the above criteria. The governing board may select a project identified or listed as an alternative water supply development project in the regional water supply plan, or may select an alternative water supply projects not identified or listed in the regional water supply plan but which are consistent with the goals of the plans.

(6) Once an alternative water supply project is selected by the governing board, the applicant and the water management district must, in writing, each commit to a financial contribution of 33 1/3 percent of the project's total capital costs. The water management district shall then submit a request for distribution of revenues held by the department in the district's alternative water supply account. The request must include the amount of current and projected water demands within the water management district, the additional water made available by the project, the date the water will be made available, and the applicant's and water management district's financial commitment for the alternative water supply project. Upon receipt of a request from a water management district, the department shall determine whether the alternative water supply project meets the department's criteria for financial assistance. The department shall establish factors to determine whether state financial assistance for an alternative water supply project shall be granted.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

If the department determines that the project should receive financial assistance, the department shall distribute to the water management district 33 1/3 percent of the total capital costs from the district's alternative water supply account.

Section 23. Section 373.19616, Florida Statutes, is created to read:

373.19616 Water Transition Assistance Program.--

(1) The Legislature recognizes that as a result of Florida's increasing population, there are limited ground water resources in some portions of the state to serve increased water quantities demands. As a result, a transition from ground water supply to more expensive alternative water supply is necessary. The purpose of this section is to assist local governments by establishing a low-interest revolving loan program for infrastructure financing for alternative water supplies.

(2) For purposes of this section, the term:

(a) "Alternative water supplies" has the same meaning as provided in s. 373.19615(2).

(b) "Local government" has the same meaning as provided in s. 373.19615(2).

(3) The Department of Environmental Protection is authorized to make loans to local governments to assist them in planning, designing, and constructing alternative water supply projects. The department may provide loan guarantees, purchase loan insurance, and refinance local debt through issue of new loans for alternative water supply projects approved by the department. Local governments may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on such loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution.

(5) In order to ensure that public moneys are managed in an equitable and prudent manner, the total amount of money loaned to any local government during a fiscal year shall be no more than 25 percent of the total funds available for making loans during that year. The minimum

amount of a loan shall be $75,000.

(6) The department may adopt rules that:

(a) Set forth a priority system for loans based on factors provided for in s. 373.19615(6)(a) and (b).

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require adequate security to ensure that each loan recipient can meet its loan payment requirements.

(d) Establish, at the department's discretion, a specific percentage of funding, not to exceed 20 percent, for financially disadvantaged communities for the development of alternative water supply projects. The department shall include within the rule a definition of the term "financially disadvantaged community," and the criteria for determining whether the project serves a financially disadvantaged community. Such criteria shall be based on the median household income of the service population or other reliably documented measures of disadvantaged status.

(e) Require each project receiving financial assistance to be cost-effective, environmentally sound, implementable, and self-supporting.

(7) The department shall prepare a report at the end of each fiscal year detailing the financial assistance provided under this section and outstanding loans.

(8) Prior to approval of a loan, the local government shall, at a minimum:

(a) Provide a repayment schedule.

(b) Submit evidence of the ability of the project proposed for financial assistance to be permitted and implemented.

(c) Submit plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Provide assurance that records will be kept using generally accepted accounting principles and that the department or its agent and the Auditor General will have access to all records pertaining to the loan.

(9) The department may conduct an audit of the loan project upon completion or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(10) The department may require reasonable service fees on loans made to local governments to ensure that the program will be operated in perpetuity and to implement the purposes authorized under this section. Service fees shall not be more than 4 percent of the loan amount exclusive of the service fee. The fee revenues, and interest earnings thereon, shall be used exclusively to carry out the purposes of this section.

(11) All moneys available for financial assistance under this section shall be appropriated to the department exclusively to carry out this program. The principal and interest of all loans repaid and interest shall be used exclusively to carry out this section.

(12)(a) If a local government agency defaults under the terms of its loan agreement, the department shall certify the default to the Chief Financial Officer, shall forward the delinquent amount to the department from any unobligated funds due to the local government agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage alternative water supply project.

(b) The department may impose penalty for delinquent local payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(13) The department may terminate or rescind a financial assistance agreement when the local government fails to comply with the terms and conditions of the agreement.

Section 24. Paragraphs (l) and (m) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.--

(24) STATUTORY EXEMPTIONS.--

(l) Any proposed development or redevelopment within an area designated for:

1. Urban infill development as designated in the comprehensive plan;

2. Urban redevelopment as designated in the comprehensive plan;

3. Downtown revitalization as designated in the comprehensive plan; or

4. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan,

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may elect, upon adoption of an ordinance, to not have this exemption apply within its boundaries. A copy of such ordinance shall be transmitted to the state land planning agency and the applicable regional planning council.

(m) Any proposed development within a rural land stewardship area created pursuant to s. 163.3177(11)(d) is exempt from the provisions of this section.

Section 25. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction; changes in guidelines and standards ~~chs. 2002-20 and 2002-296~~.--

(1) A change in a development of regional impact guideline or standard does not abridge or modify ~~Nothing contained in this act abridges or modifies~~ any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact ~~on the effective date of this act~~. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but would ~~is~~ no longer be required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651 ~~this act~~, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall ~~may~~ be rescinded by the local government with jurisdiction upon a showing by clear and convincing evidence that all required mitigation relating to the amount of development existing on the date of rescission has been completed ~~abandoned pursuant to the process in s. 380.06(26)~~.

(2) A development with an application for development approval pending, and determined sufficient pursuant to s. 380.06(10), on the effective date of a change to the guidelines and standards ~~this act~~, or a notification of proposed change pending on the effective date of a change to the guidelines and standards ~~this act~~, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).

(3) A landowner that has filed an application for a development of regional impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan and any requested comprehensive plan amendments that accompany the application.

Section 26. The Office of Program Policy Analysis and Government Accountability shall conduct a study on adjustments to the boundaries of regional planning councils, water management districts, and transportation districts. The purpose of the study is to organize these regional boundaries, without eliminating any regional agency, to be more coterminous with one another, creating a more unified system of regional

boundaries. The study must be completed by December 31, 2005, and a study report submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor and the Century Commission for a Sustainable Florida by January 15, 2006.

Section 27. Subsections (2), (3), (6), and (12) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.--

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. Any updated ~~The~~ interlocal agreements and amendments to such agreements shall be submitted to the state land planning agency and the Office of Educational Facilities ~~and the SMART Schools Clearinghouse~~ in accordance with a schedule published by the state land planning agency pursuant to s. 163.3177(12)(h).

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

(b)~~(c)~~ If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(c)~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(9) must be updated and executed pursuant to the requirements of subsections (2)-(9), if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(9) must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4).~~ Local governments and the district school board in each school district are encouraged to adopt a single updated interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(9) and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(9), the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) ~~At a minimum,~~ The interlocal agreement must address the ~~following~~ issues required in s. 163.31777.~~:~~

~~(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.~~

~~(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.~~

~~(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.~~

~~(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.~~

~~(e) A process for the school board to inform the local government regarding school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.~~

~~(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.~~

~~(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.~~

~~(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.~~

~~(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.~~

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (c); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before July 1, 2005, ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2)-(8) ~~if the element is adopted prior to or within 1 year after the effective date of subsections (2)-(8) and remains in effect~~.

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 120 ~~90~~ days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required,

except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

Section 28. Section 1013.352, Florida Statutes, is created to read:

1013.352 Charter School Incentive Program for Sustainable Schools.--

(1) There is hereby created the "Charter School Incentive Program for Sustainable Schools." Recognizing that there is an increasing deficit in educational facilities in this state, the Legislature believes that there is a need for creativeness in planning and development of additional educational facilities. To assist with the development of educational facilities, those charter schools whose charters are approved within 18 months after the effective date of this act shall be eligible for state funds under the following conditions:

(a) The charter school is created to address school over-capacity issues or growth demands within the county.

(b) A joint letter from the district school board and the charter school has been submitted with the proposed charter school charter that provides that the school board authorized the charter school as a result of school overcrowding or growth demands within the county and the school board requests that the requirement of s. 1013.62(1)(a)1. are waived.

(c) The charter school has received an in-kind contribution or equivalent from an outside source other than the district school board that has been, at a minimum, equally matched by the district school board.

Notwithstanding s. 1013.62(7), if the above conditions apply, the Commissioner of Education, in consultation with the Department of Community Affairs shall distribute up to $3 million per charter school based upon the amount of the in-kind contribution or functional equivalent from an outside source that has been matched by the district school board or the contribution or functional equivalent by the district school board, whichever amount is greater, up to $3 million. Under no conditions may the Commissioner of Education distribute funds to a newly chartered charter school that has not received an in-kind contribution or equivalent from an outside source other than the district school board and which has not been, at a minimum, equally matched by the district school board.

(2) A newly created charter school that receives distribution of funds under this program shall not be eligible for charter schools outlay funding under s. 1013.62.

Section 29. Subsection (2) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.--Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete

and in compliance with the building and life safety codes prior to August 1.

(b) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "High Growth County Facility Construction Account." The account shall be used to provide necessary construction funds to high growth school districts which have urgent construction needs, but which lack sufficient resources at present and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue and local sources. A school district requesting funding from the account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 2-year period, provided that any grants received under this paragraph must be fully expended in order for a district to apply for additional funding under this paragraph and all Classrooms First funds have been allocated and expended by the district. The first year of the 2-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth with priority given to those districts that have equaled or exceeded twice the statewide average in growth in capital outlay full-time equivalent students over the previous 4 fiscal years; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department with priority given to these districts with 20,000 or more capital outlay full-time equivalent students; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project includes either a recreational facility or media center that will be jointly used with a local government.

4. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

5. The district must have selected and had approved a site for the construction project in compliance with the interlocal agreement with the appropriate local government, s. 1013.36, and the rules of the State Board of Education.

6. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the state requirements for educational facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

7. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

8. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days after receipt of its encumbrance authorization from the department.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(c)~~(b)~~ The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.

(d)~~(c)~~ The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session. For the initial year of the funding of the program outlined in paragraph (b), the Special Facility Construction Committee shall authorize the disbursement of funds appropriated by the Legislature for the purposes of the program funded by the High Growth County Facility Construction Account created in paragraph (b).

Section 30. School Concurrency Task Force.—

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to provisions of law and rules.

Section 31. Section 163.31776, Florida Statutes, is repealed.

Section 32. Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the transportation provisions of the Sustainable Florida Act of 2005. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2005-2006. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), Florida Statutes. The department shall provide a report to the President of the Senate and the Speaker of the House of Representative by February 1, 2006, identifying the program adjustments it has made consistent with the provisions of the Sustainable Florida Transportation Program.

Section 33. Effective July 1, 2005, the sum of $433.25 million from non-recurring General Revenue is appropriated to the State Transportation Trust Fund in the Department of Transportation to be allocated as follows:

(1) The sum of $100 million for the State-funded Infrastructure Bank

pursuant to s. 339.55, Florida Statutes, to be available as loans for local government projects consistent with the provisions of the Transportation Incentive Program for a Sustainable Florida

(2) The sum of $333.25 million for Transportation Incentive Program for a Sustainable Florida pursuant to s. 339.28171, Florida Statutes.

Section 34. Funding for Sustainable Water Supplies.--Effective July 1, 2005, the sum of $100 million from recurring general revenue for distribution pursuant to s. 373.19615, Florida Statutes. The sum of $50 million from nonrecurring general revenue is appropriated to the Department of Environmental Protection for distribution pursuant to s. 373.19616, Florida Statutes.

Section 35. Funding for Sustainable Schools.--In order to provide for innovative approaches to meet school capacity demands, effective July 1, 2005, the sum of $80 million is transferred from recurring general revenue to the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education to be used as follows:

(1) The sum of $35 million from recurring funds in the Public Education Capital Outlay and Debt Service Trust Fund shall be used for the Charter School Incentive Program for Sustainable Schools created pursuant to section 1013.352, Florida Statutes.

(2) The sum of $15 million from recurring funds in the Public Education Capital Outlay and Debt Service Trust Fund shall be used for educational facilities benefit districts as provided in s. 1013.356(3), Florida Statutes, as follows: for construction and capital maintenance costs not covered by the funds provided under s. 1013.356(1), Florida Statutes, in fiscal year 2005-2006, an amount contributed by the state equal to 25 percent of the remaining costs of construction and capital maintenance of the educational facilities, up to $2 million. Any construction costs above the cost-per-student criteria established for the SIT Program in s. 1013.72(2), Florida Statutes, shall be funded exclusively by the educational facilities benefit district or the community development district. Funds contributed by a district school board shall not be used to fund operational costs. Funds not committed by March 31, 2006, revert to the Charter School Incentive Program for Sustainable Schools created pursuant to s. 1013.352, Florida Statutes.

(3) The sum of $30 million from recurring funds in the Public Education Capital Outlay and Debt Service Trust Fund shall be transferred annually from the Public Education Capital Outlay and Debt Service Trust Fund to the High Growth County Facility Construction Account.

Notwithstanding the requirements of ss. 1013.64 and 1013.65, Florida Statutes, these moneys may not be distributes as part of the comprehensive plan for the Public Education Capital Outlay and Debt Service Trust Fund.

Section 36. (1) Effective July 1, 2005, the sum of $85,618,291 is appropriated from nonrecurring general revenue for the Classrooms for Kids Program pursuant to s. 1013.735, Florida Statutes.

(2) Effective July 1 2005, the sum of $246,131,709 is appropriated from nonrecurring general revenue to assist school districts in meeting the school concurrency provisions under this act. Such funds shall be distributed to school districts under the formula pursuant to s. 1013.735(1), Florida Statutes

Section 37. Statewide Technical Assistance for a Sustainable Florida.--In order to assist local governments and school boards to implement the provisions of this act, effective July 1, 2005, the sum of $3 million is appropriated from recurring general revenue to the Department of Community Affairs. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation of whether additional funds should be appropriated to provide additional technical assistance to implement this act.

Section 38. Effective July 1, 2005, the sum of $250,000 is appropriated from recurring general revenue to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission for a Sustainable Florida required by section 11.

Section 39. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to growth management incentives; providing a popular name; amending s. 163.3164, F.S.; revising a definition to conform; defining the term "financial feasibility"; creating s. 163.3172, F.S.; providing legislative determinations; limiting the effect of certain charter county charter provisions, ordinances, or land development regulations relating to urban infill and redevelopment under certain circumstances; requiring a referendum; providing referendum requirements; amending s. 163.3177, F.S.; revising criteria for the capital improvements element of comprehensive plans; providing for subjecting certain local governments to sanctions by the Administration Commission under certain circumstances; deleting obsolete provisions; requiring local governments to adopt a transportation concurrency management system by ordinance; requiring inclusion of alternative water supply projects; providing a methodology requirement; requiring the Department of Transportation to develop a model transportation concurrency management ordinance; specifying ordinance assessment authority; providing additional requirements for a general water element of comprehensive plans; revising public educational facilities element requirements; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring counties and municipalities to adopt consistent public school facilities and enter into certain interlocal agreements; authorizing the state land planning agency to grant waivers under certain circumstances; providing additional requirements for public school facilities elements of comprehensive plans; requiring the state land planning agency to adopt phased schedules for adopting a public school facilities element; providing requirements; providing requirements; providing conditions for prohibiting local governments from certain adopting amendments to the comprehensive plan; authorizing the state land planning agency to issue schools certain show cause notices for certain purposes; providing for imposing sanctions on a school board under certain circumstances; providing requirements; encouraging local governments to develop a community vision for certain purposes; providing for assistance by regional planning councils; providing for local government designation of urban service boundaries; providing requirements; amending s. 163.31777, F.S.; applying public schools interlocal agreement provisions to school boards and nonexempt municipalities; deleting a scheduling requirement for public schools interlocal agreements; providing additional requirements for updates and amendments to such interlocal agreements; revising procedures for public school elements implementing school concurrency; revising exemption criteria for certain municipalities; amending s. 163.3180, F.S.; including schools and water supplies under concurrency provisions; revising a transportation facilities scheduling requirement; requiring local governments and the Department of Transportation to cooperatively establish a plan for maintaining certain level-of-service standards for certain facilities within certain areas; requiring local governments to consult with the department to make certain impact assessments relating to concurrency management areas and multimodal transportation districts; revising criteria for local government authorization to grant exceptions from concurrency requirements for transportation facilities; providing for waiving certain transportation facilities concurrency requirements for certain projects under certain circumstances; providing criteria and requirements; revising provisions authorizing local governments to adopt long-term transportation management systems to include long-term school concurrency management systems; revising requirements; requiring periodic evaluation of long-term concurrency systems; providing criteria; revising requirements for roadway facilities on the Strategic Intermodal System; providing additional level-of-service standards requirements; revising requirements for developing school concurrency; requiring adoption of a public school facilities element for effectiveness of a school

concurrency requirement; providing an exception; revising service area requirements for concurrency systems; requiring local governments to apply school concurrency on a less than districtwide basis under certain circumstances for certain purposes; revising provisions prohibiting a local government from denying a development order or a functional equivalent authorizing residential developments under certain circumstances; specifying conditions for satisfaction of school concurrency requirements by a developer; providing for mediation of disputes; specifying options for proportionate-share mitigation of impacts on public school facilities; providing criteria and requirements; providing legislative intent relating to mitigation of impacts of development on transportation facilities; authorizing local governments to create mitigation banks for transportation facilities for certain purposes; providing requirements; specifying conditions for satisfaction of transportation facilities concurrency by a developer; providing for mitigation; providing for mediation of disputes; providing criteria for transportation mitigation contributions; providing for enforceable development agreements for certain projects; specifying conditions for satisfaction of concurrency requirements of a local comprehensive plan by a development; amending s. 163.3184, F.S.; correcting cross references; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain municipalities; providing procedures and requirements; providing for notice and public hearings; correcting a cross reference; providing for nonapplication; amending s. 163.3191, F.S.; revising requirements for evaluation and assessment of the coordination of a comprehensive plan with certain schools; providing additional assessment criteria for certain counties and municipalities; requiring certain counties and municipalities to adopt appropriate concurrency goals, objectives, and policies in plan amendments under certain circumstances; revising reporting requirements for evaluation and assessment of water supply sources; providing for a prohibition on plan amendments for failure to timely adopt updating comprehensive plan amendments; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; amending s. 201.15, F.S.; providing for an alternative distribution to the State Transportation Trust Fund of certain revenues from the excise tax on documents remaining after certain prior distributions; amending s. 215.211, F.S.; providing for deposit of certain service charge revenues into the State Transportation Trust Fund to be used for certain purposes; amending ss. 337.107 and 337.11, F.S.; revising authorization for the Department of Transportation to contract for right-of-way services; providing additional requirements; amending s. 339.08, F.S.; specifying an additional use for moneys in the State Transportation Trust Fund; amending s. 339.135, F.S.; revising provisions relating to funding and developing a tentative work program; amending s. 339.155, F.S.; providing additional requirements for development of regional transportation plans in certain areas pursuant to interlocal agreements; requiring the department to develop a model interlocal agreement; providing requirements; amending s. 339.175, F.S.; revising requirements for metropolitan planning organizations and transportation improvement programs; creating s. 339.28171, F.S.; creating the Transportation Incentive Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages and requirements for apportioning matching funds among grant applicants; authorizing the department to administer contracts as requested by local governments; amending s. 339.2818, F.S.; revising criteria and requirement for the Small County Outreach Program to conform; creating s. 339.2820, F.S.; creating the Off-System Bridge Program for Sustainable Transportation within the Department of Transportation for certain purposes; providing for funding certain project costs; requiring the department to allocate funding for the program for certain projects; specifying criteria for projects to be funded from the program; amending s. 339.55, F.S.; revising funding authorization for the state-funded infrastructure bank ; creating s. 373.19615, F.S.; creating the Florida's Sustainable Water Supplies Program; providing funding requirements for local government development of alternative water supply projects; providing for allocation of funds to water management districts; providing definitions; specifying factors to consider in funding certain projects; providing funding requirements; requiring the Department of Environmental Protection to establish factors for granting financial assistance to eligible projects; creating s. 373.19616, F.S.; creating the Water Transition Assistance Program to establish a low-interest revolving loan program for infrastructure financing for alternative water supplies; providing legislative declarations; providing definitions; authorizing the Department of Environmental Protection to make loans to local governments for certain purposes; authorizing local governments to borrow funds and pledge revenues for repayment; providing loan limitations; authorizing the department to adopt certain rules; requiring the department to prepare an annual report on such financial assistance; providing loan approval requirements for local governments; authorizing the department to conduct or require audits; authorizing the department to require reasonable loan service fees; providing limitations; providing requirements for financial assistance funding; providing for enforcement of loan defaults; authorizing the department to impose penalties for delinquent loan payments; authoriaing the department to terminate financial assistance agreements under certain circumstances; amending s. 373.223, F.S.; providing a presumption of consistency for certain alternative water supply uses; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; amending s. 380.115, F.S.; revising provisions relating to preserving vested rights and duties under development of regional impact guidelines and standards; revising procedures and requirements for governance and rescission of development-of-regional-impact development orders under changing guidelines and standards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on adjustments to boundaries of regional planning councils, water management districts, and transportation districts; providing purposes; requiring a study report to the Governor and Legislature; amending s. 1013.33, F.S.; revising provisions relating to coordination of educational facilities planning pursuant to certain interlocal agreements; revising procedures and requirements for updated agreements and agreement amendments; creating s. 1013.352, F.S.; creating a Charter School Incentive Program for Sustainable Schools; providing purposes; specifying conditions for eligibility for state funds; authorizing the Commissioner of Education to waive certain requirements and distribute certain funds to charter schools under certain circumstances; prohibiting the commissioner from distributing funds to certain schools under certain circumstances; providing for ineligibility of certain schools for charter school outlay funding under certain circumstances; amending s. 1013.64, F.S.; requiring the Department of Education to establish a the High Growth County Facility Construction Account as a separate account within the Public Education Capital Outlay and Debt Service Trust Fund for certain purposes; specifying requirements for funding from the account; creating the School Concurrency Task Force; providing purposes; providing for membership; requiring a report to the Governor and Legislature;

repealing s. 163.31776, F.S., relating to the public educational facilities element; requiring the Department of Transportation to allocate sufficient funds so implement the transportation provisions of the act; requiring the department to develop a plan to expend revenues and amend the current work program; requiring the department to submit a budget amendment for certain purposes; requiring a report to the Legislature; providing for funding for sustainable water supplies; providing an appropriation; providing for allocation of the appropriation; specifying uses of appropriations; providing for funding for sustainable schools; providing an appropriation; providing for allocation of the appropriation; specifying uses of the appropriation; providing for Statewide Technical Assistance for a Sustainable Florida; providing an appropriation; specifying uses; requiring the Department of Community Affairs to report to the Governor and Legislature; specifying report requirements; providing an appropriation to the Department of Community Affairs for certain staffing purposes; providing an effective date.

WHEREAS, the Legislature finds and declares that the state's population has increased by approximately 3 million individuals each decade since 1970 to nearly 16 million individuals in 2000, and

WHEREAS, increased populations have resulted in greater density concentrations in many areas around the state and created growth issues that increasingly overlap multiple local government jurisdictional and state agency district boundaries, and

WHEREAS, development patterns throughout areas of the state, in conjunction with the implementation of growth management policies, have increasingly caused urban flight which has resulted in urban sprawl and cause capacity issues related to transportation facilities, public educational facilities, and water supply facilities, and

WHEREAS, the Legislature recognizes that urban infill and redevelopment is a high state priority, and

WHEREAS, consequently, the Legislature determines it in the best interests of the people of the state to undertake action to address these issues and work towards a sustainable Florida where facilities are planned and available concurrent with existing and projected demands while protecting Florida's natural and environmental resources, rural and agricultural resources, and maintaining a viable and sustainable economy, and

WHEREAS, the Legislature enacts measures in the law and earmarks funds for the 2005-2006 fiscal year intended to result in a reemphasis on urban infill and redevelopment, achieving and maintaining concurrency with transportation and public educational facilities, and instilling a sense of intergovernmental cooperation and coordination, and

WHEREAS, the Legislature will establish a standing commission tasked with helping Floridians envision and plan their collective future with an eye towards both 25-year and 50-year horizons, NOW, THEREFORE,

Rep. Johnson moved the adoption of the substitute amendment.

On motion by Rep. Patterson, by the required two-thirds vote, the House agreed to consider a late-filed amendment to the substitute amendment. Subsequently, the amendment to the substitute amendment was withdrawn.

On motion by Rep. Arza, by the required two-thirds vote, the House agreed to consider a late-filed amendment to the substitute amendment. Subsequently, the amendment to the substitute amendment was withdrawn.

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

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

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 561357)

Amendment 1 to Substitute Amendment 1—Remove line 2012 and insert:

<u>October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor</u>

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

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

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 136111)

Amendment 2 to Substitute Amendment 1 (with directory and title amendments)—Remove line 3975 and insert:

<u>developers and homebuilders, the business community, the agriculture community, the environmental community, and other</u>

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

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 764841)

Amendment 3 to Substitute Amendment 1—Remove line 4067 and insert:

<u>(2) Effective July 1, 2005, the sum of $181,131,709 is</u>

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

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

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

THE SPEAKER IN THE CHAIR

HB 1901—A bill to be entitled An act relating to slot machine gaming; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing powers and duties of the division; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, payouts, and data collection and reporting; providing for investigations by the division; providing for investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division; authorizing the division to make certain inspections and examinations, collect certain moneys, and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; providing for licensure to conduct slot machine gaming; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access to the division, and submission of certain plans; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring the slot machine licensee pay to the division an annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; requiring the slot machine licensee pay an annual tax on each machine; providing for deposit of the tax into the Educational Enhancement Trust Fund to be distributed to the school district where the facility is located for certain purposes; directing the Department of Education to conduct an audit and return amounts in excess of certain costs to the licensee; providing a tax on slot machine revenues; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring payment of initial application and renewal fees; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting certain relationships between business occupational licensees and slot machine licensees; prohibiting certain financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting certain actions relating to required reports, applications, and accounting; prohibiting possession of slot machine by unlicensed person; prohibiting manipulation of a slot machine; providing penalties; providing for distribution of funds into the Slot Machine Administrative Trust Fund; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; requiring certain signage in designated gaming areas; requiring certain equipment or facilities relating to races or games within the gaming area; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting loans or credit or automatic dispensing of cash within the facility to play slot machines; prohibiting slot machines that accept cash to operate; prohibiting slot machines designed to display certain false enticements or give a player certain false impressions; providing for the hours of operation of slot machines; providing penalties for certain violations by a licensee; providing for deposit of fines collected; authorizing the division to suspend or revoke the license of a slot machine licensee for maintaining a nuisance under certain circumstances; providing for application of penalties to licensee not meeting reporting obligations with the board; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; providing for expenditures of state funds derived from regulatory fees; providing for administrative support for the board from the division; providing purpose of the board; providing for organization, membership, and meetings of the board; prohibiting certain interests in any slot machine licensee or the gambling industry by members of the board; providing penalties; providing for reimbursement of certain expenses of board members; providing powers and duties of the board; directing the board to make certain performance evaluations and reports; directing the division to adopt certain performance rules governing activities of slot machine licensees; requiring review of proposed performance rules for response by the board prior to adoption; providing conditions for the division to deny renewal of slot machine license; directing the division to adopt certain qualification performance rules; providing for review by the board to determine certain effects of slot machine gaming; directing the division to adopt certain performance expectation rules to include a requirement that the slot machine licensee annually report to the board certain information for a determination of the net result of the slot machine licensee's slot machine operations; requiring the reports to include summaries of certain information from local law enforcement agencies, social services agencies, clerks of court, the Department of Highway Safety and Motor Vehicles, and local emergency management agencies and a summary of lobbying activities conducted by or on behalf of the slot machine licensee; requiring review of proposed performance expectation rules for response by the board prior to adoption; requiring the performance rules to require the slot machine licensee to provide information to the board on an annual basis; requiring the board to submit an annual report to the Governor and the Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct a performance audit of the board and the division by a certain date; providing for items to be addressed by the audit; providing for an update of the report to include a referendum recommendation to the Legislature concerning repeal of the authority to operate slot machines; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; providing purpose of the affidavit; requiring the governing body of certain counties and municipalities to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; requiring tourist development councils to annually adopt and transmit to the board

a resolution relating to the operations of slot machine gaming; providing for a county or municipality to call a referendum on the question of slot machines being declared an undue burden; providing for consideration by the board of the affidavits, resolutions, and referenda; providing for the Mental Health Program Office within the Department of Children and Family Services to establish a compulsive gambling program in conjunction with the Department of Education; providing an effective date.

The Fiscal Council recommended the following:

HB 1901 CS—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the statewide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot

machines or to have access to the gaming area; prohibiting complimentary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing for nonseverability of the act; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—was read the second time by title.

Representative(s) Seiler, Kottkamp, Planas, and Richardson offered the following:

(Amendment Bar Code: 137429)

Amendment 1 (with title amendment)—Remove line(s) 273-356 and insert:

Remove line(s) 13-19 and insert:

Regulation; amending s.

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

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 472323)

Amendment 2—Remove line(s) 500 and insert:

slot machines through a centralized computer system that shall allow the division and the Florida Department of Law Enforcement to audit the operation, financial data, and program information of a slot machine licensee, as required by the division or the Florida Department of Law Enforcement and shall provide the division and the Florida Department of Law Enforcement with the ability to monitor on a real-time basis at any time wagering patterns, payouts, tax collection, and compliance with any rules adopted by the division for the regulation and control of slot machines operated under this section. Such continuous and complete access on a real-time basis at any time shall include the ability to immediately suspend slot machine operations if monitoring of the computer operating system indicates possible tampering or manipulation of slot machines or of the computer operating system itself.

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

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 769933)

Amendment 3—Remove line(s) 526, and insert:

shall be no less than 85 percent or more than 93 percent per facility.

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 661941)

Amendment 4 (with directory and title amendments)—Remove line(s) 779-817 and insert:

(2) LOCAL EDUCATION SUPPLEMENTAL SLOT MACHINE TAX.--

(a) On January 1 of each year, an annual tax of $500 per machine shall be imposed upon each slot machine approved for use at any slot machine licensee's facility. The slot machine licensee shall, on or before March 1 of each year, pay the total amount of such tax to the division. On or before July 1 of each year, the division shall deposit any tax imposed pursuant to this subsection in the Educational Enhancement Trust Fund in the Department of Education. The Department of Education shall use the moneys collected under this subsection from a slot machine licensee for reimbursement of eligible expenses to the school district where the slot machine licensee is located and for such other purposes as provided in this subsection.

(b) The school district where the slot machine licensee is located shall request such moneys as are available under this subsection for reimbursement of the following additional expenses:

1. Supplemental public education instruction expenses;
2. Classroom and school facilities construction expenses;
3. School safety expenses; or
4. Educational infrastructure expenses.

Eligible expenses under this paragraph must have been incurred as a direct result of the slot machine licensee's operation of slot machines in the school district during the immediately preceding school year.

(c) The Department of Education shall distribute the moneys available under this subsection for reimbursement of expenses to the school district only after conducting an independent audit for the purposes of determining the amount of the additional expenses to the school district that are attributable to such district as a direct result of the slot machine licensee's operations of slot machines in the school district during the immediately preceding school year. The amount of the revenues collected from the supplemental slot machine tax less the amount paid to the school district for reimbursement of eligible expenses, as determined by the Department of Education audit, shall be paid annually to all school districts as provided in subsection (3).

(3) TAX ON SLOT MACHINE REVENUES.--

(a) The tax rate on slot machine revenues at each facility shall be 55 percent.

(b) The facility shall collect and transmit the tax to the department on a daily basis for deposit into the Slot Machine Administrative Trust Fund in the Department of Business and Professional Regulation for immediate transfer to the Educational Enhancement Trust Fund in the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c) Any expenditures of slot machine taxes shall be used to supplement and not supplant public education dollars.

(4) PAYMENT PROCEDURES.--Tax payments shall be remitted daily, as determined by rule of the division. The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month that shall show all slot machine activities for the preceding calendar month and such other information as may be required by the division.

(5) FAILURE TO PAY TAX; PENALTIES.--A slot machine licensee who fails to make tax payments as required under this section shall be subject to an administrative penalty of up to $1,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Slot Machine Administrative Trust Fund in the Department of Business and Professional Regulation. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or refuse to renew the license of the slot machine licensee.

(6) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR REFUSE TO RENEW THE LICENSE.--In addition to the penalties imposed under subsection (5), any willful or wanton failure by a slot machine licensee to make payments of the tax constitutes sufficient grounds for the division to suspend, revoke, or refuse to renew the license of the slot machine licensee.

(7) SUBMISSION OF FUNDS.--The division may require slot machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

Remove line(s) 100 and insert:

make recommendations to the Legislature; requiring the slot machine licensee to pay an annual tax on each machine; providing for deposit of the tax into the Educational Enhancement Trust Fund to be distributed to the school district where the facility is located for certain purposes; directing the Department of Education to conduct an audit and distribute the funds; providing for a

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

Session Vote Sequence: 256

Speaker Bense in the Chair.

Yeas—35

Antone	Gottlieb	Kendrick	Sands
Ausley	Greenstein	Machek	Seiler
Brandenburg	Harrell	McInvale	Slosberg
Bucher	Henriquez	Meadows	Smith
Bullard	Holloway	Peterman	Sobel
Fields	Jennings	Porth	Stansel
Gannon	Johnson	Roberson	Taylor
Gelber	Joyner	Russell	Vana
Goldstein	Justice	Ryan	

Nays—78

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

Votes after roll call:

Yeas—Bendross-Mindingall, Cusack, Detert, A. Gibson

Yeas to Nays—Harrell

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

Representative(s) Attkisson and Jennings offered the following:

(Amendment Bar Code: 232327)

Amendment 5 (with title amendment)—Remove line(s) 789-790 and insert:

(c) Any expenditures of slot machine taxes shall be used to supplement and not supplant public education dollars. Tax proceeds shall be used first to fund the Laptops for Achievers grant program, which shall be administered by the Department of Education. All school districts are eligible to submit grant applications to participate in the program, in a format to be determined by the department. Each district's grant program shall provide for the laptops to be made available to every public school seventh grade student, including charter school students, and shall require:

1. Integrated use of the laptops with curriculum design, instructional planning, training, and delivery, and communication with parents;

2. School site wiring and appropriate technology infrastructure needs;

3. Assignment of a laptop computer on loan to each student entering seventh grade for use through grade 12;

4. A contract with each student stipulating that if the student earns a passing score on the grade 10 FCAT, as required by ss. 1003.43(5) and 1003.429, the loaned laptop will be upgraded and given to the student to keep as a reward for the student's achievement.

The State Board of Education shall adopt rules to implement the Laptops for Achievers program.

Remove line(s) 104 and insert:
public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures;

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

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

Session Vote Sequence: 257

Speaker Bense in the Chair.

Yeas—82

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

Nays—34

Antone	Goodlette	Llorente	Sands
Ausley	Gottlieb	Machek	Seiler
Bendross-Mindingall	Greenstein	McInvale	Slosberg
Brandenburg	Henriquez	Meadows	Smith
Bullard	Holloway	Peterman	Sobel
Cusack	Jennings	Planas	Taylor
Fields	Joyner	Richardson	Vana
Gannon	Justice	Roberson	
Gibson, A.	Kendrick	Ryan	

Representative Attkisson offered the following:

(Amendment Bar Code: 750113)

Amendment 6 (with title amendment)—Between lines 1535 and 1536, insert:

Section 6. Section 551.45, Florida Statutes, is created to read:

551.45 Ethics.--

(1) The public trust associated with implementing section 23 of Article X of the State Constitution makes it imperative that the highest standards of conduct apply to public officers and employees engaged in making decisions under this act. It is the intent of the Legislature to protect the public trust by avoiding even the appearance or perception that favoritism, special dealing, or political considerations are involved in decisions regarding slot machines.

(2) As a condition of licensure, a business entity, as defined in s. 112.312(5), with a material interest in a slot machine gaming facility license may seek to influence the governmental decisionmaking of a public officer or seek or encourage the passage, defeat, or modification of any proposal or recommendation before such public officer. However, no such business entity may engage a lobbyist as defined in s. 11.045 or s. 112.3215, whether paid through contractual agreement or salary or otherwise, to seek to influence the governmental decisionmaking of a public officer or seek or encourage the passage, defeat, or modification of any proposal or recommendation before such public officer. A violation of this provision constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) No elective public officer or candidate seeking election to public office may accept a campaign contribution as defined in s. 106.011(3), a gift as defined in s. 112.312(12)(a), or expenses related to an honorarium event from any slot machine licensee over which the public officer or candidate seeking election has regulatory jurisdiction, is doing business with, or is or may be, in the foreseeable future, in a position to affect the regulatory environment of the slot machine licensee through legislation or contractual relationship.

(4) As a condition of licensure, no slot machine licensee and no political committee that receives contributions from a slot machine licensee shall engage in any electioneering communication or political advertisement as defined in s. 106.011 likely to impact the election of a public officer or candidate for public office who has, or if elected may have, regulatory or legislative jurisdiction over the licensee.

Remove line 216 and insert:
prevention program; providing legislative intent; prohibiting certain businesses from engaging a lobbyist or seeking to influence the governmental decisionmaking of a public officer or seeking or encouraging the passage, defeat, or modification of any proposal or recommendation before such public officer; providing penalties; prohibiting a public official seeking election to public office from accepting certain campaign contributions; prohibiting slot machine licensees and political committees that receive contributions from slot machine licensees from engaging in certain electioneering communications and political advertisements; amending s. 849.15, F.S.;

providing

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

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 021071)

Amendment 7 (with title amendments)—Remove line(s) 1700-1750.

Remove line(s) 223-227, and insert:
preempting slot machine regulation to the state; providing for ratification of tribal-state

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

Representative(s) Gelber offered the following:

(Amendment Bar Code: 808843)

Amendment 8 (with title amendment)—Between lines 1799 and 1800, insert:

Section 12. An annual fee of $15 per slot machine is hereby imposed upon each slot machine approved for use at any pari-mutuel facility licensed to provide slot machine gaming under chapter 551, Florida Statutes, which is within 2 miles of any neighboring municipality. The term "neighboring municipality" means a municipality that does not have a pari-mutuel facility licensed to provide slot machine gaming but has one or more such facilities located within 2 miles of its municipal borders. Revenue from the fees imposed by this section must be used by the neighboring municipality for the purpose of mitigating traffic and transportation problems that will be caused by implementing section 23, Article X of the State Constitution and that will occur as a direct result of slot machine operation. Each pari-mutuel facility licensed to provide slot machine gaming that is within 2 miles of a neighboring municipality must remit the annual fee to the Department of Business and Professional Regulation by February 1 of each year based on the number of slot machines approved as of January 1. The department shall distribute the funds to any neighboring municipality requesting mitigation funding. A neighboring municipality is not entitled to receive funds under this section if that municipality currently has a financial agreement with any such facility for a percentage of its benefits. If a facility has an agreement with any neighboring municipality that is within 2 miles of the facility and there are no other municipalities within 2 miles of the facility, the facility is exempt from paying the fee under this section.

Remove line(s) 233 and insert:
Legislature; imposing an annual fee on slot machines at certain facilities; providing for collection and distribution of the fee to certain neighboring municipalities; providing for use of the fees by the municipality; providing for an exemption from the fee under certain circumstances; providing for nonseverability of the act;

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

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

Representative(s) Seiler offered the following:

(Amendment Bar Code: 307173)

Amendment 9 (with title amendment)—Remove lines 1800-1810.

Remove line 233 and insert:
Legislature;

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

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

HB 1903—A bill to be entitled An act relating to public records; creating s. 551.1078, F.S.; providing an exemption from public records requirements for nonessential private information supplied by applicants pursuant to an application filed for the purpose of securing a license as a slot machine licensee and trade secrets supplied by any entity under ch. 551, F.S., for licensing purposes; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

The Governmental Operations Committee recommended the following:

HB 1903 CS—A bill to be entitled An act relating to public records; creating s. 551.1078, F.S.; creating an exemption from public records requirements for trade secrets held by the Division of Slot Machines in the Department of Business and Professional Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

HB 1905—A bill to be entitled An act relating to the Slot Machine Administrative Trust Fund; creating s. 551.50, F.S.; creating the Slot Machine Administrative Trust Fund within the Department of Business and Professional Regulation; providing for source of funds and purpose; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 188673)

Amendment 1—Remove line(s) 18-22 and insert:
license fees, administrative and civil penalties resulting from the regulation of slot machine gaming, and slot machine tax revenues. Funds from fees and penalties may be used by the agency to cover the operational costs of the Division of Slot Machine Gaming and for such other purposes as may be appropriate. Slot machine tax revenues shall be transferred to the Educational Enhancement Trust Fund.

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

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

HB 1283—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet with appropriate privacy safeguards; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual elects not to receive services after notice; providing an application fee for child

support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the Supreme Court, clerks of the circuit court, chief judges, sheriffs, Office of the Attorney General, Office of the State Courts Administrator, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

The Health & Families Council recommended the following:

HB 1283 CS—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending

s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

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

Session Vote Sequence: 258

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

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

HB 1373—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

The Health & Families Council recommended the following:

HB 1373 CS—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

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

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 985.215, F.S.; specifying time limits to hold a child in secure detention while awaiting placement into a specific program or facility ordered by the court; amending s. 985.2155, F.S.; revising provisions relating to county responsibility for juvenile detention; deleting references to state responsibility; providing for state financial assistance; providing criteria for assignment of county costs and responsibility; requiring the Department of Juvenile Justice to adopt rules establishing quality assurance standards for county intake, detention screening, and detention care operations; requiring that each county shall submit an implementation plan for its assumption of certain responsibilities; revising the deadline for development of a methodology for determining the amount of each fiscally constrained county's costs for certain services; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; providing for county detention care and intake responsibility; creating the minimum-risk nonresidential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; providing that temporary release may be granted from residential commitment facilities; amending s. 985.201 and 985.208 F.S.; conforming to definitions changes; amending s. 985.207, F.S.; providing additional criteria for taking a child into custody; conforming cross references; amending s. 985.213, F.S.; providing additional criteria for detaining youth; providing for secure detention or home detention; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; making conforming changes; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in references thereto; providing an effective date.

The Fiscal Council recommended the following:

HB 1917 CS—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a

nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department–requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Representative(s) Llorente offered the following:

(Amendment Bar Code: 513147)

Amendment 1 (with title amendment)—Between lines 1682 and 1683, insert:

Section 26. Subsection (4) of section 985.407, Florida Statutes, is amended to read:

985.407 Departmental contracting powers; personnel standards and screening.--

(4)(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs, the department shall require:

1. A level 2 employment screening pursuant to chapter 435 prior to employment~~, using the level 1 standards for screening set forth in that chapter, for personnel in delinquency facilities, services, and programs~~.

2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.

2. Beginning on December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement by a rule that is applicable to the department individually pursuant to this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

Remove line 95 and insert:

F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons

whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

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

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

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; authorizing the Secretary of State to issue binding directives to supervisors of elections and county canvassing boards under certain circumstances; providing a penalty for failure to follow such directives; authorizing the secretary to file certain complaints; authorizing the secretary to delegate voter registration and records maintenance duties to voter registration officials; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period; amending s. 97.0535, F.S.; providing for registering voters who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; requiring the Department of State to adopt rules relating to voter information cards; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any private entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; providing for registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing for duplicate registration; providing for deceased persons; providing for adjudication of mental incapacity; providing for felony conviction; providing for other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; requiring the department to certify certain information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; providing requirements relating to maps of new precincts; revising procedural requirements of supervisors of elections relating to precincts and precinct maps; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; amending s. 101.62, F.S.; correcting a cross reference; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 102.151, F.S.; requiring county canvassing boards to record and transmit certain election information to the department; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 104.051, F.S.; providing for the willful failure of a county canvassing board member or supervisor of elections to follow certain binding directives to be subject to certain penalties; allowing only the Secretary of State to file a complaint to the Florida Elections Commission alleging such willful failure; providing for an exemption and review of such penalties; amending s. 120.52, F.S.; revising the definition of "rule" to exempt certain advisory opinions issued by the department and certain directives issued by the Secretary of State; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution

of blocks of printed ballots; providing effective dates.

The State Administration Council recommended the following:

HB 1589 CS—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing for duplicate registration; providing for deceased persons; providing for adjudication of mental incapacity; providing for felony conviction; providing for other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; providing requirements relating to maps of new precincts; revising procedural requirements of supervisors of elections relating to precincts and precinct maps; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; amending s. 101.5614, F.S.; providing for automatic tabulation of early voted ballots; including early voted ballots within the official return of an election; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.23, F.S.; authorizing the Secretary of State to issue statements of interpretation on the election law in certain specified instances; providing for reconsideration and appeal of such statements; providing penalties for failure to comply with such statements; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—was read the second time by title.

Representative(s) Brown offered the following:

(Amendment Bar Code: 426201)

Amendment 1 (with title amendment)—Remove the entire body and insert:

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

Section 1. Subsections (1), (2), and (11) of section 97.012, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

97.012 Secretary of State as chief election officer.--The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the ~~application, operation, and~~ interpretation and implementation of the election laws. In order to obtain and maintain uniformity in the interpretation and implementation of the elections laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Florida Election Code.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.

(11) Create and administer ~~maintain~~ a statewide voter registration system as required by the Help America Vote Act of 2002 ~~database~~. The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good-faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, present subsections (38) and (39) are renumbered as subsections (39) and (40), respectively, and a new subsection (38) is added to said section, to read:

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

(13) "Lists of registered electors" means names and associated information ~~copies of printed lists~~ of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format~~, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records~~.

(38) "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.026, Florida Statutes, is amended to read:

97.026 Forms to be available in alternative formats and via the Internet.--It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. The department may, pursuant to ss. 120.536(1) and 120.54, adopt rules to administer this section. Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055,~~ 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

Section 4. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.--A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true ~~I am a citizen of the United States and a legal resident of Florida~~."

Section 5. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.--

(1) The department shall prescribe by rule a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of a voter information ~~registration identification~~ card.
6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the ~~Federal~~ Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote or update a voter registration record.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Qualifying educational institutions.
7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed by rule under this section.

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

(a) Last, first, and middle ~~Full~~ name, including any suffix.
(b) Date of birth.
(c) Address of legal residence.
(d) Mailing address, if different.
(e) County of legal residence.
~~(f) Address of property for which the applicant has been granted a homestead exemption, if any.~~

(f)~~(g)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.
2. Asian or Pacific Islander.
3. Black, not Hispanic.
4. White, not Hispanic.
5. Hispanic.

(g)~~(h)~~ State or country of birth.

(h)~~(i)~~ Sex.

(i)~~(j)~~ Party affiliation.

(j)~~(k)~~ Whether the applicant needs assistance in voting.

(k)~~(l)~~ Name and address where last registered.

(l)~~(m)~~ Last four digits of the applicant's social security number.

(m)~~(n)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) An indication, if applicable, that the applicant has not been issued a Florida driver's license, a Florida identification card, or a social security number.

(o) Telephone number (optional).

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

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

(r) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(s) Whether ~~That~~ the applicant has ~~not~~ been convicted of a felony, and ~~or~~, if convicted, has had his or her civil rights restored by including the statement "I affirm I am not a convicted felon or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.

(t) Whether ~~That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement.

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

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

(f)~~(g)~~ A statement informing an ~~the~~ applicant who has not been issued a Florida driver's license, a Florida identification card, or a social security number that if the application ~~form~~ is submitted by mail and the applicant is registering for the first time in this state, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the ~~Federal~~ Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~ or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

Section 6. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.--

(1) Voter registration applications, changes in registration, and requests for a replacement voter information ~~registration identification~~ card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A ~~completed~~ voter registration application is complete and ~~that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041~~ becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6) ~~the appropriate supervisor~~. If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date that the application is ~~when~~ received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of that ~~the~~ postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the application ~~registration~~ is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041:

1. The applicant's name.
2. The applicant's legal residence address.

3. The applicant's date of birth.

4. A mark in the checkbox affirming ~~An indication that~~ the applicant is a citizen of the United States.

5.a. The applicant's current and valid Florida driver's license number or~~,~~ the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver's license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver's license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming ~~An indication~~ that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. A mark in the checkbox affirming ~~An indication~~ that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the third day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 15 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 7. Subsections (1), (2), and (3) of section 97.0535, Florida Statutes, are amended to read:

97.0535 Special requirements for certain applicants.--

(1) Each applicant who registers by mail and who has never previously voted in the state and who the department has verified has not been issued a current and valid Florida driver's license, Florida identification card, or social security number ~~county~~ shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. Such ~~The applicant may provide the~~ identification or indication may be provided at the time of registering, or at any time prior to voting for the first time in the state ~~county~~. If the voter registration application clearly provides information from which a voter registration official ~~the supervisor~~ can determine that the applicant meets at least one of the exemptions in subsection (4), the voter registration official ~~supervisor~~ shall make the notation on the registration records of the statewide voter registration system and the applicant shall not be required to provide the identification required by this section ~~further information that is required of first time voters who register by mail~~.

(2) The voter registration official ~~supervisor of elections~~ shall, upon accepting the voter registration application submitted pursuant to subsection (1) ~~for an applicant who registered by mail and who has not previously voted in the county~~, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the state ~~county~~.

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

~~1. Florida driver's license.~~

~~2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~

1.~~3.~~ United States passport.

2.~~4.~~ Employee badge or identification.

3.~~5.~~ Buyer's club identification.

4.~~6.~~ Debit or credit card.

5.~~7.~~ Military identification.

6.~~8.~~ Student identification.

7.~~9.~~ Retirement center identification.

8.~~10.~~ Neighborhood association identification.

~~11. Entertainment identification.~~

9.~~12.~~ Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.

2. Bank statement.

3. Government check.

4. Paycheck.

5. Other government document (excluding voter identification card).

Section 8. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.--

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, only updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 will be permitted for purposes of the upcoming election. Voter registration applications and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 9. Section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.--

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

(a) Apply for or renew a driver's license;

(b) Apply for or renew an identification card pursuant to chapter 322; or

(c) Change an address on an existing driver's license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election

authority;

3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver's license examiner to inquire orally~~,~~ or, if the applicant is hearing impaired, inquire in writing ~~if the applicant is hearing impaired, and~~ whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.~~;~~

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).~~; and~~

c. A voter registration application with all of the applicant's voter registration information required to establish the applicant's eligibility pursuant to s. 97.041 must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided ~~sign~~.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must note such declination on its records and shall forward the declination to the statewide voter registration system ~~keep the declination for 2 years but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections~~.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must electronically transmit ~~forward~~ completed voter registration applications within 24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

~~(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.~~

(7)~~(8)~~ The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the ~~Federal~~ Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~.

(8)~~(9)~~ The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

(9) The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

(10) The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the legal residence address as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

(11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver's license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(12) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.

Section 10. Subsections (6), (7), and (9) of section 97.058, Florida Statutes, are amended to read:

97.058 Voter registration agencies.--

(6) A voter registration agency must forward all completed and incomplete voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. ~~However, a voter registration agency must forward a copy of each incompleted voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

(9) A voter registration agency must collect data determined necessary by the department, as provided by rule, for program evaluation and reporting to the ~~Federal~~ Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~.

Section 11. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.--

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall

upon that person's request be registered ~~by the supervisor~~ under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section. The department may adopt rules to administer this section.

(2) If a person is qualified to register pursuant to this section, the voter registration official ~~supervisor~~ shall note in that person's registration record that the person needs assistance in voting.

(3) The precinct register generated by the supervisor shall contain ~~Upon registering any person pursuant to this section, the supervisor must make~~ a notation ~~on the registration books or records which are delivered to the polls on election day~~ that such person is eligible for assistance in voting, and the supervisor may ~~issue such person a special registration identification card or~~ make a ~~some~~ notation on the voter information ~~regular registration identification~~ card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.

Section 12. Section 97.071, Florida Statutes, is amended to read:

97.071 Voter information ~~Registration identification~~ card.--

(1) A voter information ~~registration identification~~ card shall ~~must~~ be furnished by the supervisor to all registered voters residing in the supervisor's county. The card may ~~registering under the permanent single registration system and must~~ contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

~~(f) Race or ethnicity, if provided by the applicant.~~

~~(g) Sex, if provided by the applicant.~~

(f)~~(h)~~ Address of legal residence.

(g)~~(i)~~ Precinct number.

(h)~~(j)~~ Name of supervisor and contact information of supervisor.

~~(k) Place for voter's signature.~~

(i)~~(l)~~ Other information deemed necessary by the supervisor ~~department~~.

(2) A voter may receive a replacement voter information ~~of a registration identification~~ card by providing a signed, written request for a replacement card to a voter registration official ~~the supervisor~~. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

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

Section 13. Section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.--

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A voter information ~~registration identification~~ card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information using a voter registration application signed by the applicant ~~in writing and sign a statement that the additional information is true and correct~~. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another state ~~jurisdiction~~, the department ~~supervisor~~ must notify the registration official in the prior state ~~jurisdiction~~ that the applicant is now registered in this state ~~the supervisor's county~~.

Section 14. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence ~~within the same county,~~ change of name, or change of party affiliation.--

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. An elector may also provide notification to other voter registration officials as provided in subsection (2). A voter information ~~registration identification~~ card reflecting the new information ~~address of legal residence~~ shall be issued to the elector as provided in subsection (3)~~(4)~~.

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector shall ~~must~~ provide notice ~~a signed, written notification~~ of such change to a voter registration official using a voter registration application signed by the elector. A voter information ~~the supervisor and obtain a registration identification~~ card reflecting the new information shall be issued to the elector as provided in subsection (3) ~~name~~.

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

(3)~~(4)~~ The voter registration official ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections ~~and~~ shall issue the new voter information ~~registration identification~~ card ~~as required by s. 97.071(3)~~.

Section 15. Section 97.105, Florida Statutes, is amended to read:

97.105 Permanent single registration system established.--A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered pursuant to ~~in pursuance of~~ this system by a voter registration official ~~the supervisor or by a deputy supervisor~~, and electors registered shall not thereafter be required to register or reregister except as provided by law.

Section 16. Subsections (3), (10), and (11) of section 98.015, Florida Statutes, are amended, and subsection (12) is added to said section, to read:

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

(3) The supervisor shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as ~~is~~ the official custodian of documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county ~~the registration books and has the exclusive control of matters pertaining to registration of electors~~.

(10) Each supervisor shall ~~must~~ ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements prescribed by rule of the department through the statewide voter registration system or prescribed by ~~for that county under~~ the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002.

(11) Each supervisor shall ensure that any voter registration system

used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system ~~Each supervisor of elections shall forward to the property appraiser for the county in which the homestead is claimed the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052~~.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

Section 17. Section 98.035, Florida Statutes, is created to read:

98.035 Statewide voter registration system; implementation, operation, and maintenance.--

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

Section 18. Section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.--

(1) ELIGIBILITY OF APPLICANT.--The ~~Each~~ supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver's license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) REMOVAL OF REGISTERED VOTERS.--

(a) Once a voter is registered, the name of that voter may not be removed from the statewide voter registration system ~~books~~ except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance ~~program or other registration list maintenance~~ activity conducted pursuant to s. 98.065 or~~,~~ s. 98.075~~, or s. 98.0977~~.

(b)~~(2)~~ Information received by a voter registration official ~~supervisor~~ from an election official in another state ~~jurisdiction~~ indicating that a registered voter in this state ~~the supervisor's county~~ has registered to vote in that other state ~~jurisdiction~~ shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system ~~books of the supervisor's county~~.

(3) PUBLIC RECORDS ACCESS AND RETENTION.--~~Notwithstanding the provisions of ss. 98.095 and 98.0977,~~ Each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and~~,~~ 98.075~~, and 98.0977~~. The records must include lists of the name and address of each person to whom a ~~an address confirmation final~~ notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.--

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) FORMS.--The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

Section 19. Section 98.065, Florida Statutes, as amended by section 6 of chapter 2002-281, Laws of Florida, is amended to read:

98.065 Registration list maintenance programs.--

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. As used in this subsection, the term "nondiscriminatory" applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which information indicates that the legal address of a registered voter might have changed, the supervisor shall send by forwardable return-if-undeliverable mail an address confirmation notice to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.

(b) The address confirmation notice shall contain a postage prepaid preaddressed return form on which:

1. If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter's legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.

2. If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.

3. If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.

(c) The supervisor must designate as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid preaddressed return form within 30 days or for which an address confirmation notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting an absentee ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request an absentee ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051. ~~A voter's name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of ineligibility as provided in s. 98.075(3).~~

~~(4) If the supervisor receives change-of-address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:~~

~~(a) The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.~~

~~(b) The voter has moved outside the supervisor's county, or contains no forwarding address, the supervisor shall send an address confirmation final notice and remove the name of the voter from the registration record if that voter did not:~~

~~1. Return the postage prepaid preaddressed return form;~~

~~2. Appear to vote;~~

~~3. Change the voter's registration; or~~

~~4. Request an absentee ballot~~

~~during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.~~

~~(5) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.~~

Section 20. Section 98.075, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.075, F.S., for present text.)

98.075 Registration records maintenance activities; ineligibility determinations.--

(1) MAINTENANCE OF RECORDS.--The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) DUPLICATE REGISTRATION.--The department shall identify those voters who are registered more than once or those applicants whose registration applications would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(3) DECEASED PERSONS.--The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from the Department of Health as provided in s. 98.093. Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(4) ADJUDICATION OF MENTAL INCAPACITY.--The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have

not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.--The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.--If the department or supervisor receives information other than from the sources identified in subsections (2)-(5) that a registered voter does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.--

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.

2. All proceedings are exempt from the provisions of chapter 120.

3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.--

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the

requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

Section 21. Section 98.0755, Florida Statutes, is created to read:

98.0755 Appeal of determination of ineligibility.--Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally removed from the statewide voter registration system, or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the supervisor of elections.

Section 22. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.--

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The department and supervisors ~~supervisor~~ of elections shall include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a ~~provide to each~~ registered voter information regarding ~~of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise~~ when, where, and how to update the voter's signature and shall provide the voter information on how to obtain a voter registration application ~~form~~ from a voter registration official ~~the supervisor~~ that can be returned to update the signature.

(3) ~~In addition,~~ At least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file and ~~or~~ how a voter can obtain a voter registration application ~~form~~ from a voter registration official ~~the supervisor~~ to do so.

(4) All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvass of the absentees is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from the statewide voter registration system ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.--

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

(2) When the name of any elector is removed from the statewide voter registration system ~~books~~ pursuant to s. 98.065 or~~,~~ s. 98.075~~, or s. 98.093~~, the elector's original registration application ~~form~~ shall be retained by the supervisor of elections having custody of the application ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the statewide voter registration system ~~books~~ may be microfilmed and such microfilms substituted for the original registration applications ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application ~~form~~. Such microfilms or stored information shall be retained by the supervisor of elections having ~~in the~~ custody ~~of the supervisor~~. In the event the original registration applications ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the statewide voter registration system ~~books~~, the name of the elector shall be restored by a voter registration official ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

Section 24. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.--

(1) In order to ensure the maintenance of accurate and current voter registration records, it is necessary for the department to receive certain information from state and federal officials and entities. The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to the department ~~each supervisor of elections~~ a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older ~~who was a resident of such supervisor's county~~.

(b)~~(2)~~ Each clerk of the circuit court shall furnish monthly to the department~~, at least once each month, deliver to each supervisor of elections~~ a list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include ~~stating~~ the name, address, date of birth, race, ~~and~~ sex, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number of each such person ~~convicted of a felony during the preceding calendar month who was a resident of that supervisor's county, a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county~~.

(c)~~(3)~~ Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075 ~~immediately forward such information to the supervisor of elections for the county where the offender resides~~.

(d) The Department of Law Enforcement shall furnish monthly to the department a list of those persons who have been convicted of a felony in the preceding month or any updates to prior records that have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, date of conviction, county of conviction, and social security number and a unique identifier of each conviction of each person.

(e) The Board of Executive Clemency shall furnish monthly to the department a list of those persons granted clemency in the preceding month or any updates to prior records that have occurred in the preceding month. The list shall contain the Board of Executive Clemency case number, name, address, date of birth, race, sex, social security number, if available, and references to record identifiers assigned by the Department of Corrections, a unique identifier of each clemency case, and the

effective date of clemency of each person.

(f) The Department of Corrections shall furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records that have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

~~(4) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration books.~~

(3)~~(5)~~ Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of ~~such~~ persons from the statewide voter registration system pursuant to s. 98.075(7) based upon ~~books after verification of~~ information received from other sources.

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 Statewide voter registration database.--The department shall send to the Legislature in electronic format a file containing all voters qualified to vote in an election. The file shall contain a unique identifier of the voter; the information requested in the uniform statewide voter registration application pursuant to s. 97.052(2), except for such information that is by statute specifically identified as confidential or exempt from public records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the poll, by absentee ballot, or by early vote at a designated location, or whether the voter did not vote. If a person voted by absentee ballot and the ballot was not counted, the file shall contain the reason, where possible, that the ballot was not counted. This file shall be delivered within 60 days after an election to the Legislature.

Section 26. Section 98.212, Florida Statutes, is amended to read:

98.212 Department and supervisors to furnish statistical and other information.--

(1)(a) Upon written request, the department and any supervisor of the respective counties ~~supervisors~~ shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) The department and any supervisor ~~Supervisors~~ may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, the department and supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to the department and any supervisor of the respective counties ~~supervisors~~ for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the ~~Federal~~ Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~.

Section 27. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration application ~~form~~, precinct register; contents.--

(1) A registration application ~~form~~, approved by the Department of State, containing the information required in s. 97.052 shall be retained by the supervisor of elections of the county of the applicant's registration ~~filed alphabetically in the office of the supervisor as the master list of electors of the county~~. However, the registration application ~~forms~~ may be microfilmed and such microfilm ~~microfilms~~ substituted for the original registration application ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application ~~form~~. Such microfilms or stored information shall be retained in the custody of the supervisor of elections of the county of the applicant's registration. In the event the original registration applications ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. ~~As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.~~

(2) A computer printout or electronic database shall be used at the polls as a precinct register ~~in lieu of the registration books~~. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, ~~and~~ middle name or initial, and suffix; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector or an electronic device may be provided for this purpose.

Section 28. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election provided the initiative has been filed with ~~occurring in excess of 90 days from the certification of ballot position by~~ the Secretary of State no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that the petition has been signed by the constitutionally required number of electors.

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

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

(3)~~(4)~~ Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. The supervisor shall promptly record each valid signature in the statewide voter registration system in the manner prescribed by the Secretary of State. The supervisor shall, upon request, advise the sponsor

of an initiative of the number of signatures verified and recorded in the statewide voter registration system. ~~Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State.~~ The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)~~(5)~~ The Secretary of State shall determine from the signatures verified by the ~~verification certificates received from~~ supervisors of elections and recorded in the statewide voter registration system the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. ~~A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.~~

(5)~~(6)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented~~, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(6)~~(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(5)~~(6)~~.

Section 29. Effective August 1, 2006, subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.--

(3) Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code. On maps of new precincts, a delineation of area shall also be included for each precinct employing the official census county divisions, tracts, block numbering areas, block groups, and blocks used by the United States Department of Commerce, Bureau of the Census, and adopted by the state for the delineation of representative districts pursuant to s. 10.00001. The supervisor of elections shall notify the Secretary of State in writing within

30 days after ~~of~~ any new reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct and a delineation of the census blocks included in each precinct. Until January 1, 2012, any supervisor may apply for and obtain from the Secretary of State a waiver of the requirement to delineate precincts by census geography.

Section 30. Subsections (1) and (3) of section 101.043, Florida Statutes, are amended to read:

101.043 Identification required at polls.--

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls ~~in lieu of the registration books~~ for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present one of the following ~~a~~ current and valid picture identifications:

(a) Florida driver's license.

(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.

(c) United States passport.

(d) Employee badge or identification.

(e) Buyer's club identification.

(f) Debit or credit card.

(g) Military identification.

(h) Student identification.

(i) Retirement center identification.

(j) Neighborhood association identification.

(k) Public assistance identification ~~as provided in s. 97.0535(3)(a)~~.

If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the voter's signature.~~, and~~ The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(3) If the elector who fails to furnish the required identification is an elector subject to s. 97.0535 ~~a first-time voter who registered by mail~~ and has not provided the required identification to a voter registration official ~~the supervisor of elections~~ prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 31. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

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

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

Change of Legal Residence of Registered Voter

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

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

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

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration records ~~books~~ of precinct _____ as follows:
Name
Address
Municipality
County
Florida, Zip
My present name and address of legal residence are as follows:
Name
Address
Municipality
County
Florida, Zip
and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

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

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

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

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

Section 32. Subsection (1) of section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.--

(1) At all elections, a voter claiming to be properly registered in the state ~~county~~ and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional

ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope.

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.--

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5)~~(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 34. Subsection (2) of section 101.56062, Florida Statutes, as created by section 12 of chapter 2002-281, Laws of Florida, is amended to read:

101.56062 Standards for accessible voting systems.--

(2) Such voting system must include at least one accessible voter interface device installed in each polling place ~~precinct~~ which meets the requirements of this section, except for paragraph (1)(d).

Section 35. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.--

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name on the ~~in ink or indelible pencil to an identification blank, signature slip,~~ precinct register~~,~~ or other form or device provided by the supervisor ~~ballot stub on which the ballot serial number may be recorded~~. The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

Section 36. Effective August 1, 2006, section 101.573, Florida Statutes, is created to read:

101.573 Record of votes by precinct.--

(1) Within 75 days after the date of a municipal election or runoff, whichever occurs later, a presidential preference primary, or a general election, the supervisor of elections shall file with the Department of State precinct-level election results for that election cycle, including any primary elections. Precinct-level election results shall record for each precinct the returns of ballots cast at the precinct location to which have been added the returns of absentee and early ballots cast by voters registered in the precinct.

(2) The Department of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the form by which supervisors of elections shall submit election results for each precinct.

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.--

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371(5)~~(6)~~, the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 38. Subsection (3) is added to section 101.64, Florida Statutes, to read:

101.64 Delivery of absentee ballots; envelopes; form.--

(3) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each absentee ballot.

Section 39. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.--

(1)(a) The supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

Section 40. Section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence to another state.--

~~(1) An elector who changes his or her residence to another county in Florida from the county in Florida in which he or she is registered as an elector after the books in the county to which the elector has changed his or her residence are closed for any general, primary, or special election shall be permitted to vote absentee in the county of his or her former residence in that election for President and Vice President, United States Senator, statewide offices, and statewide issues. Such person shall not be permitted to vote in the county of the person's former residence after the general election.~~

~~(2)~~ An elector registered in this state who moves his or her permanent residence to another state and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his or her former residence for those offices.

Section 41. Subsection (1) of section 101.6921, Florida Statutes, is

amended to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.--

(1) The provisions of this section apply to voters who are subject to the provisions of s. 97.0535 ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

Section 42. Section 101.6923, Florida Statutes, is amended to read:

101.6923 Special absentee ballot instructions for certain first-time voters.--

(1) The provisions of this section apply to voters who are subject to the provisions of s. 97.0535 ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with ~~the following~~ printed instructions with his or her absentee ballot in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: ~~current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles;~~ United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; ~~entertainment identification;~~ or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 43. Subsection (3) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.--

(3) The supervisor shall furnish inspectors of election for each precinct with the list of registered electors for that precinct ~~registration books divided alphabetically as will best facilitate the holding of an election~~. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

Section 44. Subsections (1), (2), and (3) of section 104.013, Florida Statutes, are amended to read:

104.013 Unauthorized use, possession, or destruction of voter information ~~registration identification~~ card.--

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter information ~~registration identification~~ card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter information ~~registration identification~~ card unless said person has been duly authorized to issue a voter information ~~registration identification~~ card.

(3) It is unlawful for any person willfully to destroy or deface the information ~~registration identification~~ card of a duly registered voter.

Section 45. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.--

~~(1)~~ The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

~~(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.~~

Section 46. Paragraph (b) of subsection (4) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.--

(4) EMERGENCY RULES.--

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Florida Election Code which are filed when not more than 60 days remain before an election as defined in s. 97.021 or which are filed during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121.

Section 47. Sections 98.055, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida Statutes, are repealed.

Section 48. Except as otherwise provided herein, this act shall take effect January 1, 2006.

Remove the entire title and insert:

A bill to be entitled

An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; providing requirements relating to maps of new precincts; revising procedural requirements of supervisors of elections relating to precincts and precinct maps; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to

automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

Rep. Brown moved the adoption of the amendment.

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 633577)

Amendment 1 to Amendment 1 (with title amendment)—Between line(s) 2131 and 2132, insert:

Section 48. Section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(1) It permits and requires voting in secrecy.

(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(3) It immediately rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

(4) For systems using paper ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.

(5) It is capable of correctly counting votes.

(6) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

(7) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

(8) It provides a method for write-in voting.

(9) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

(10) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11) It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

(12) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

(13) It is capable of producing a voter-verified paper record suitable for a manual audit as specified in subsection (14).

(14)~~(13)~~ It is capable of providing paper records from which the operation of the voting system may be audited.

(15)~~(14)~~ It uses a precinct-count tabulation system.

(16)~~(15)~~ It does not use an apparatus or device for the piercing of ballots by the voter.

Remove line(s) 2304 and insert:

amending s. 101.5606, F.S.; requiring that an electronic or electromechanical voting system be capable of producing a voter-verified paper record that is suitable for a manual audit; providing effective dates.

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

Session Vote Sequence: 259

Speaker Bense in the Chair.

Yeas—34

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

Nays—79

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

Votes after roll call:

Yeas—Domino

Nays—Roberson

Representative(s) Reagan offered the following:

(Amendment Bar Code: 269037)

Amendment 2 to Amendment 1—Remove line(s) 1358-1365 and insert:

(d) From voter registration records provided from the statewide voter registration system, the Department of Law Enforcement shall identify, in a time and manner that enables the department to meet its obligations under state and federal law, those persons who have been convicted of a felony.

Rep. Reagan moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 260

Speaker Bense in the Chair.

Yeas—80

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

Nays—36

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

Votes after roll call:
Yeas—Kreegel

Representative(s) Brown offered the following:

(Amendment Bar Code: 663523)

Amendment 3 to Amendment 1—Remove line(s) 1402-1420 and insert:

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 Statewide voter registration database.--Within 75 days after a general election or within 15 days after all supervisors of elections have updated voter history information, whichever occurs later, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format of all voters qualified to vote in the election or primary. The report shall include for each voter the code used by the department to uniquely identify the voter; all information provided in the uniform statewide voter registration application pursuant to s. 97.052(2), except what is specifically identified as confidential or exempt from public-records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the precinct location, voted by early vote, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

Rep. Brown moved the adoption of the amendment to the amendment.

Parliamentary Inquiry

Rep. Seiler inquired of the Chair about a public records exemption requiring a two-thirds vote and it also being the subject of a free-standing bill.

The Chair [Speaker Bense] referred the inquiry to the Rules & Calendar Council, which took the inquiry under advisement. Pending a ruling, further consideration of the amendment to the amendment was temporarily postponed. The amendment to the amendment was subsequently abandoned.

Representative Brown offered the following:

(Amendment Bar Code: 258661)

Amendment 4 to Amendment 1 (with directory and title amendments)—Remove lines 1663-1686 and insert:

Section 29. Subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.--

(3)(a) Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor of elections shall notify the Secretary of State in writing within 30 days after ~~of~~ any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.

(c) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by:

1. Visible features that are readily distinguishable upon the ground, such as streets, railroad tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

2. The boundaries of public parks, public school grounds, or churches; or

3. The boundaries of counties and incorporated municipalities.

(d) Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).

Remove lines 2251-2254 and insert:
ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.;

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

Representative(s) Reagan offered the following:

(Amendment Bar Code: 006261)

Amendment 5 to Amendment 1 (with title amendment)—Between line(s) 2098 and 2099, insert:

Section 45. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.--

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: $2 for each Florida registered voter ~~$5 million~~.

(b) Cabinet officer: $1 for each Florida registered voter ~~$2 million~~.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 of the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida registered voters by July 31, 2005 ~~The expenditure limit shall be adjusted by the Secretary of State quadrennially 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, 1967=100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics~~.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Remove line(s) 2281 and insert:

conform; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead

Rep. Reagan moved the adoption of the amendment to the amendment.

Point of Order

Rep. Ryan raised a point of order, under Rule 12.8, that the amendment dealt with campaign finance and the bill dealt with elections and therefore the amendment was not germane.

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 5 to Amendment 1 stated that HB 1589 was a comprehensive election reform package that could easily include campaign finance and therefore recommended the point be not well taken.

The Chair [Speaker Bense], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point not well taken.

The question recurred on the adoption of **Amendment 5 to Amendment 1**, which was adopted. The vote was:

Session Vote Sequence: 261

Speaker Bense in the Chair.

Yeas—79

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

Nays—36

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

Votes after roll call:
Nays—Vana
Yeas to Nays—Legg

Explanation of Vote for Sequence Number 261

I voted Nay on this amendment because I believe that we do not need to increase funding for campaigns. A fellow member voted Yea for me while I was discussing a bill to another representative.

Rep. John Legg
District 46

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 562729)

Amendment 6 to Amendment 1 (with title amendment)—Between line(s) 2131-2132, insert:

Section 48. Section 106.04, Florida Statutes, is repealed.

Section 49. Subsection (3) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.--

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information he or she may deem necessary. This information shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees ~~or registered committees of continuous existence~~, for political purposes only.

Section 50. Paragraph (c) of subsection (3) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters.--

(3)

(c) No person, political committee, ~~committee of continuous existence,~~ or other group or organization may solicit voters within 50 feet of the entrance to any polling place, or polling room where the polling place is also a polling room, on the day of any election.

1. Solicitation shall not be restricted if:

a. Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance; and

b. The solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or

c. Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.

2. Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the poll workers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.

Section 51. Subsection (1) of section 106.011, Florida Statutes, is amended, subsection (2) of said section is repealed, subsections (3) through (18) are renumbered as subsections (2) through (17), respectively, and paragraph (b) of present subsection (3), paragraph (b) of present subsection (5), and present subsections (8) and (14) of said section are amended, to read:

106.011 Definitions.--As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of $500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, ~~committee of continuous existence,~~ or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, ~~committee of continuous existence,~~ or political party;

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. ~~Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04,~~ National political parties, and the state and county executive committees of political parties regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications; however, such organizations shall be required to register and report contributions~~,~~ ~~including those received from committees of continuous existence,~~ and expenditures in the same manner, at the same time, subject to the same penalties, and with the same filing officer as a political committee supporting or opposing a candidate or issue contained in the electioneering communication. If any such organization would be required to register and report with more than one filing officer, the organization shall register and report solely with the Division of Elections.

~~(2) "Committee of continuous existence" means any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.~~

(2)~~(3)~~ "Contribution" means:

(b) A transfer of funds between political committees~~, between committees of continuous existence, or between a political committee and a committee of continuous existence~~.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements.

(4)~~(5)~~

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee ~~or committee of continuous existence,~~ or any other person, shall not be considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or

5. After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. Any officer, director, employee, or agent of a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. Any person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

6. After the last day of qualifying for statewide or legislative office,

retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(7)~~(8)~~ "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party or~~,~~ political committee~~, or committee of continuous existence~~.

(13)~~(14)~~ "Filing officer" means the person before whom a candidate qualifies, the agency or officer with whom a political committee registers~~, or the agency by whom a committee of continuous existence is certified~~.

Section 52. Paragraphs (a) and (d) of subsection (1) and subsection (7) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.--

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

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

(d)1. When a special election is called to fill a vacancy in office, all political committees ~~and committees of continuous existence~~ making contributions or expenditures to influence the results of such special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or~~,~~ political committee~~, or committee of continuous existence~~ has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or~~,~~ political committee~~, or committee of continuous existence~~ not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

Section 53. Paragraph (b) of subsection (2) and subsections (3) and (4) of section 106.0705, Florida Statutes, are amended to read:

106.0705 Electronic filing of campaign treasurer's reports.--

(2)

(b) Each political committee~~, committee of continuous existence,~~ or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under ~~s. 106.04(8),~~ s. 106.07(8)~~,~~ or s. 106.29(3), as applicable.

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer or the chair and treasurer, whichever is applicable, and such persons are subject to the provisions of ~~s. 106.04(4)(d),~~ s. 106.07(5)~~,~~ or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

Section 54. Paragraph (a) of subsection (1), paragraph (c) of subsection (3), and subsection (7) of section 106.08, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.--

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

(3)

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

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

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

(7)(a) Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party or~~,~~ political committee~~, or committee of continuous existence~~ is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party or~~,~~ political committee~~, or committee of continuous existence~~ who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party or~~,~~ political committee~~, or committee of continuous existence~~ is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $10,000 and not more than $50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign

or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee~~, committee of continuous existence,~~ or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 55. Section 106.082, Florida Statutes, is amended to read:

106.082 Commissioner of Agriculture candidates; campaign contribution limits.--

(1) No business which is inspected, licensed, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that business; and no political committee ~~or committee of continuous existence~~ representing the interests of such business shall make or solicit a contribution in excess of $100, for any election, to or on behalf of any candidate for the office of Commissioner of Agriculture. The provisions of this subsection shall not prevent any candidate for the office of Commissioner of Agriculture or members of that candidate's immediate family from contributing to that candidate's campaign as otherwise permitted by law.

(2) No candidate for the office of Commissioner of Agriculture may solicit or accept a campaign contribution in excess of $100 from any business or person who is licensed or inspected or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person or business; or any political committee ~~or committee of continuous existence~~ that represents that person.

(3) No employee of the Department of Agriculture may solicit a campaign contribution for any candidate for the office of Commissioner of Agriculture from any person or business who is licensed, inspected, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person; or any political committee ~~or committee of continuous existence~~ that represents that person. For purposes of this section, "employee of the department" means any person employed in the Department of Agriculture holding a position in the Senior Management Service as defined in s. 110.402; any person holding a position in the Selected Exempt Service as defined in s. 110.602; any person having authority over food outlet or convenience store regulation, or inspection supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

(4) Any person who commits a willful violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 56. Subsection (2) of section 106.087, Florida Statutes, is amended to read:

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

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

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

Section 57. Paragraph (b) of subsection (3) of section 106.147, Florida Statutes, is amended to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.--

(3)

(b) For purposes of paragraph (a), the term "person" includes any candidate; any officer of any political committee, ~~committee of continuous existence,~~ or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, ~~committee of continuous existence,~~ political party executive committee, or corporation, partnership, or other business entity.

Section 58. Subsection (2) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.--

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, ~~committee of continuous existence,~~ or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, committee, person, or organization has taken or proposes to take. Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State. A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 59. Paragraphs (c) and (d) of subsection (1) and subsection (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.--

(1) The commission is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed $1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

(c) The appropriateness of such penalty to the financial resources of the person, political committee, ~~committee of continuous existence,~~ or political party; and

(d) Whether the person, political committee, ~~committee of continuous existence,~~ or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104.

(2) If any person, political committee, ~~committee of continuous existence,~~ or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

Section 60. Subsection (2) of section 106.27, Florida Statutes, is amended to read:

106.27 Determinations by commission; legal disposition.--

(2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought by the commission in the appropriate court of competent jurisdiction, and the venue shall be in the county in which the alleged violation occurred or in which the alleged violator or violators are found, reside, or transact business. Upon a proper showing that such person, political committee, ~~committee of continuous existence,~~ or political party has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court, and the civil fines provided by this chapter may be imposed.

Section 61. Section 111.075, Florida Statutes, is amended to read:

111.075 Elected officials; prohibition concerning certain committees.--Elected officials are prohibited from being employed by, or acting as a consultant for compensation to, a political committee ~~or~~

~~committee of continuous existence~~.

Section 62. Subsections (3) and (4) and paragraph (a) of subsection (5), of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.--

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of $100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee ~~or a committee of continuous existence~~, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of $100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of $100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

Section 63. Subsections (3) and (4) of section 112.3149, Florida Statutes, are amended to read:

112.3149 Solicitation and disclosure of honoraria.--

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee ~~or committee of continuous existence~~, as defined in s. 106.011, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee ~~or committee of continuous existence~~, as defined in s. 106.011, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

Section 64. Subsection (4) of section 1004.28, Florida Statutes, is amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.--

(4) ACTIVITIES; RESTRICTION.--A university direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the university.

Section 65. Paragraph (d) of subsection (4) of section 1004.70, Florida Statutes, is amended to read:

1004.70 Community college direct-support organizations.--

(4) ACTIVITIES; RESTRICTIONS.--

(d) A community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the community college.

Section 66. Paragraph (c) of subsection (4) of section 1004.71, Florida Statutes, is amended to read:

1004.71 Statewide community college direct-support organizations.--

(4) RESTRICTIONS.--

(c) A statewide community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee ~~or committee of continuous existence~~ as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Education.

Remove line(s) 2304 and insert:
repealing s. 106.04, F.S., relating to committees of continuous existence; amending ss. 101.62, 102.031, 106.011, 106.07, 106.0705, 106.08, 106.082, 106.087, 106.12, 106.147, 106.148, 106.23, 106.265, 106.27, 106.29, 106.33, 111.075, 112.3148, 112.3149, 627.0623, 655.019, 1004.28, 1004.70, and 1004.71, F.S.; removing or correcting references, to conform; providing effective dates.

Rep. Gottlieb moved the adoption of the amendment to the amendment, which failed of adoption.

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

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

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the signature and social security number of a voter registration applicant and for absentee ballot request information collected, including the date a request for an absentee ballot was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor of elections, and other information regarding the request deemed necessary by the supervisor of elections; specifying persons and entities for whom such absentee ballot request information may be reproduced or to whom such information may be made available; removing the exemption from public records requirements for the telephone number of a voter for purposes of copying; providing for review and repeal; providing a statement of public necessity; providing an effective date.

The State Administration Council recommended the following:

HB 1591 CS—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

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

HB 1743—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to petition the Supreme Court regarding compliance of financial impact statements; requiring the Supreme Court to render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; providing an effective date.

The State Administration Council recommended the following:

HB 1743 CS—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring the Supreme Court to render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; requiring financial impact statements to include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

—was read the second time by title.

Representative(s) Reagan offered the following:

(Amendment Bar Code: 593995)

Amendment 1—Remove line(s) 67-69 and insert:
from the Secretary of State or~~,~~ within 30 days after such receipt if receipt occurs after January 1 of the year of ~~120 days or less before~~ the election at which the question ~~of ratifying the amendment~~ will appear on the ballot ~~be~~

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

Representative(s) Reagan offered the following:

(Amendment Bar Code: 428229)

Amendment 2—Remove line(s) 72-81 and insert:
on the ballot of the probable financial impact of the initiative. The probable financial impact of the initiative shall be the estimated increase or decrease in any revenues or costs to state or local governments resulting from the full implementation of the proposed initiative, including those resulting from the enactment, revision, or repeal of legislation by state and local governments that would be required to fully implement the initiative, and from the exercise of any expanded authority or discretion that would be granted to any entity by the passage and full implementation of the proposed initiative. The Financial Impact

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

Representative(s) Reagan offered the following:

(Amendment Bar Code: 021385)

Amendment 3—Remove line(s) 150-153 and insert:
~~Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement~~, the financial

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

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

HB 15—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; increasing the amount of available annual community contribution tax credits; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

The Commerce Council recommended the following:

HB 15 CS—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; increasing the amount of available annual community contribution tax credits; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit ligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

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

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

The Insurance Committee recommended the following:

HB 551 CS—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

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

HB 1513 CS—A bill to be entitled An act relating to civil justice reform; amending s. 47.051, F.S.; revising procedures for bringing actions against corporations; providing a definition; creating s. 768.1259, F.S.; defining the term "seller"; prohibiting commencing or maintaining a civil claim or action against a seller under certain circumstances; specifying criteria for actions for product liability of a seller; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault instead of joint and several liability; providing applicability; providing an effective date.

—was taken up, having been read the second time on April 26; now pending on motion by Rep. Brown to adopt **Amendment 1** (shown in the *Journal* on page 721, April 26).

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

Representative Gelber offered the following:

(Amendment Bar Code: 555283)

Amendment 2 (with title amendment)—Remove lines 37 through 58 and insert:

768.1259 Manufacturer indemnification of sellers.--

(1) As used in this section, the term "seller" means a person who sells a product as a retailer, distributor, or wholesaler or who otherwise transfers a product to another for compensation.

(2) Any suit brought against a seller of a product for strict liability will allow the seller a claim or action against the manufacturer of the product for indemnification for liability and a claim for attorney's fees and costs for pursuing the indemnification claim against the manufacturer of the product and defending the strict liability claim.

Remove lines 9 through 12 and insert:

768.1259, F.S.; defining the term "seller"; providing that a strict liability suit against a seller of a product allows the seller an indemnification claim against the product's manufacturer; providing for costs of an indemnification claim; amending s.

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

Representative(s) Ambler and Seiler offered the following:

(Amendment Bar Code: 916213)

Amendment 3 (with directory and title amendments)—Remove line(s) 66-123 and insert:

liability. Notwithstanding any other provision of law to the contrary, fault shall not be allocated to a nonparty to the action, and no nonparty to the action, whether named or unnamed, shall be included on the verdict form for purposes of apportioning damages. ~~, except as provided in paragraphs (a), (b), and (c):~~

~~(a) Where a plaintiff is found to be at fault, the following shall apply:~~

~~1. Any defendant found 10 percent or less at fault shall not be subject to joint and several liability.~~

~~2. For any defendant found more than 10 percent but less than 25 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $200,000.~~

~~3. For any defendant found at least 25 percent but not more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $500,000.~~

~~4. For any defendant found more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $1 million.~~

~~For any defendant under subparagraph 2., subparagraph 3., or subparagraph 4., the amount of economic damages calculated under joint and several liability shall be in addition to the amount of economic and noneconomic damages already apportioned to that defendant based on that defendant's percentage of fault.~~

~~(b) Where a plaintiff is found to be without fault, the following shall apply:~~

~~1. Any defendant found less than 10 percent at fault shall not be subject to joint and several liability.~~

~~2. For any defendant found at least 10 percent but less than 25 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $500,000.~~

~~3. For any defendant found at least 25 percent but not more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $1 million.~~

~~4. For any defendant found more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of $2 million.~~

~~For any defendant under subparagraph 2., subparagraph 3., or subparagraph 4., the amount of economic damages calculated under joint and several liability shall be in addition to the amount of economic and noneconomic damages already apportioned to that defendant based on that defendant's percentage of fault.~~

~~(c) With respect to any defendant whose percentage of fault is less than the fault of a particular plaintiff, the doctrine of joint and several liability shall not apply to any damages imposed against the defendant.~~

~~(d) In order to allocate any or all fault to a nonparty, a defendant must affirmatively plead the fault of a nonparty and, absent a showing of good cause, identify the nonparty, if known, or describe the nonparty as specifically as practicable, either by motion or in the initial responsive pleading when defenses are first presented, subject to amendment any time before trial in accordance with the Florida Rules of Civil Procedure.~~

~~(e) In order to allocate any or all fault to a nonparty and include the named or unnamed nonparty on the verdict form for purposes of apportioning damages, a defendant must prove at trial, by a preponderance of the evidence, the fault of the nonparty in causing the plaintiff's injuries.~~

Remove line(s) 13 and insert:

768.81, F.S.; prohibiting allocation of fault to a nonparty and inclusion on jury verdict form; deleting exceptions to a requirement for

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

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

HB 263—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing effective dates.

The Justice Appropriations Committee recommended the following:

HB 263 CS—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing that the act does not preclude the Governor from simultaneously notifying any judicial nominating commission of any vacancies created in this act, whether or not the vacancies may be filled on the same date; providing effective dates.

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

HB 1927 was taken up. On motion by Rep. Allen, CS for CS for SB 1494 was substituted for HB 1927. Under Rule 5.14, the House bill was laid on the table.

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

—was read the second time by title.

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

Representative(s) Allen offered the following:

(Amendment Bar Code: 753843)

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

Section 1. Section 282.0051, Florida Statutes, is created to read:

282.0051 Information technology management.--

(1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the state needs an information technology architecture to support the business needs of individual agencies while optimizing the state's collective use of information technology through integration, coordination, consolidation, and sharing. It is the intent of the Legislature that:

(a) The state shall make governmental information and services more accessible to citizens by developing a statewide internet portal presence, a state e-mail system, and state security protocols.

(b) Each state agency shall develop and implement information technology in the best interest of the state by whatever means are cost effective and efficient, are nonvendor specific systems, and maximize use of shared data and resources.

(c) Agency information technology investments must be governed responsibly, consistent with fiscal and substantive policies established by the Legislature, and aligned with business needs.

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

(a) "Agency information technology investment management" means an analytical decisionmaking process that is used to systematically prioritize, select, and manage information technology investments for the agency.

(b) "Information technology investment" means the cost associated with agency resources, hardware, software, or contracted services that are required to provide information technology services and to initiate approved information technology projects.

(c) "Information technology portfolio" means the aggregate list of information technology investments aligned with agency business needs.

(d) "Information technology services" means the strategic and nonstrategic information technology services used to enable agency business processes and as further defined in the legislative budget instructions developed pursuant to s. 216.023.

(e) "Information technology services catalog" means a report defining and describing each information technology service.

(f) "Project management" means a set of disciplines required for planning, organizing, managing, implementing, and controlling organizational and fiscal resources in order to complete information technology projects.

(g) "Service level agreement" means a written agreement between a service provider and the agency which describes each service to be provided and documents the required service objectives and service levels for a service. Service providers include external providers, internal providers, and other agency providers.

(3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT PROCESS.--The agency information technology investment management process shall be used as the primary tool to support the information technology investment decisions of each agency. The agency shall adopt the model portfolio management process developed pursuant to s. 282.3025(2)(d) and may adjust the model to meet agency-specific organizational needs subject to the approval of the Agency Chief Information Officers Council.

(a) The investment management process shall:

1. Be administered by the agency head and include executive managers from across the agency's program areas.

2. Define initiatives using a comprehensive, uniform format.

3. Evaluate initiatives using an objective framework.

4. Prioritize initiatives and match initiatives to resources.

5. Manage the portfolio and the process proactively.

(b) Agency-approved initiatives which become information technology projects are subject to the requirements of subsection (4). New initiatives requiring funding shall be submitted in the agency's legislative budget request pursuant to s. 216.023.

(c) The agency shall prepare an information technology portfolio in a format prescribed in the legislative budget instructions pursuant to s. 216.023. The portfolio shall include, but need not be limited to:

1. A summary statement of the agency's mission, goals, and objectives for information technology which are supported through the agency's information technology portfolio.

2. Identification of projects and resources required to meet the objectives of the portfolio.

3. The agency information technology services catalog with services linked to business processes or business needs.

4. Implementation schedules estimating the time and funding required to implement information technology projects.

5. Funding needed to implement information technology services identified in the information technology services catalog.

(d) The agency shall submit its information technology portfolio as part of its legislative budget request in the manner and form prescribed in the legislative budget request instructions as provided in s. 216.023.

(4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

(a) Each agency shall implement the project management methodology developed pursuant to s. 282.3025(2)(c). The agency may make adjustment based on their specific organizational needs and subject to the approval of the Agency Chief Information Officers Council.

(b) Information technology projects shall be administered according to the following requirements:

1. Projects that refresh desktop units or infrastructure equipment with new technology that is similar to the technology currently in use are exempt from the project planning and reporting requirements in this section unless otherwise specified in the General Appropriations Act.

2. For projects with a total cost ranging from $500,000 to $1,999,999, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled.

3. For projects with a total cost ranging from $500,000 to $2 million which involve routine hardware or software upgrades for a single agency, the agency must appoint a project manager to timely deploy and implement the upgrade. Should the project be considered high-risk, the project manager shall ensure that needed project planning and management requirements are fulfilled.

4. For projects with a total cost ranging from $2 million to $10 million, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled. For projects in this range which are determined to impact the general public or which affect an agency's organizational structure, business processes, or service delivery model, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

5. For any project with a total cost greater than $10 million, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

Section 2. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.--There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(2) The following divisions and programs within the Department of Management Services are established:

(a) Facilities Program.

(b) ~~State~~ Technology Program ~~Office~~.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

(i) Florida Technology Council.

~~(3) The State Technology Office shall operate and manage the Technology Resource Center.~~

(3)~~(4)~~ The duties of the Chief Labor Negotiator shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 3. Section 186.022, Florida Statutes, is repealed.

Section 4. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.--

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup ~~and the State Technology Office~~ shall ~~independently~~ review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information technology ~~resources management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.~~

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the Statewide Information Technology Strategic Plan ~~State Annual Report on Enterprise Resource Planning and Management~~ and statewide policies recommended by the State Technology Office, and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, that exceed $500,000 in total cost over a 1-year period, or that are requested by the Legislative Budget Commission to be reviewed.

Section 5. Pursuant to section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.292, Florida Statutes, is repealed.

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.--For the purposes of this part, the term:

(1) "Agency" means those entities described in s. 216.011(1)(qq).

~~(2) "Agency Annual Enterprise Resource Planning and Management Report" means the report prepared by each agency chief information officer as required by s. 282.3063.~~

(2)~~(3)~~ "Agency chief information officer" means the person appointed by the agency head ~~State Technology Office~~ to coordinate and manage the information technology policies and activities applicable to that agency.

(3)~~(4)~~ "Agency Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information technology issues and initiatives among the agencies.

(4) "Department" means the Department of Management Services.

(5) "Florida Technology Council" or "council" means the organization created in s. 282.3025.

(6)~~(7)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(7)~~(5)~~ "Information technology ~~Enterprise resources management~~ infrastructure" means the hardware, software, networks, data, human resources, policies, standards, facilities, maintenance, and related materials and services that are required to support the business processes of an agency or state enterprise.

(8)~~(6)~~ "Information technology ~~Enterprise resource~~ planning and management" means the planning, budgeting, acquiring, developing, organizing, directing, training, control, and related services associated with government information technology. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(9)~~(8)~~ "Project" means an undertaking directed at the implementation ~~accomplishment~~ of information technology to achieve a strategic objective ~~relating to enterprise resources management~~ or a specific appropriated program.

~~(9) "State Annual Report on Enterprise Resource Planning and Management" means the report prepared by the State Technology Office as defined in s. 282.102.~~

(10) "Standards" means the generally accepted definitions for information technology which promote the use of current, open, ~~nonproprietary,~~ or non-vendor-specific technologies.

~~(11) "State Technology Office" or "office" means the office created in s. 282.102.~~

~~(12) "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.~~

Section 7. Section 282.005, Florida Statutes, is repealed.

Section 8. Section 282.0055, Florida Statutes, is created to read:

282.0055 Limitation with respect to cabinet personnel.--The Florida Technology Council and the department may not take action affecting the supervision, control, management, or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Section 9. Section 282.102, Florida Statutes, is amended to read:

282.102 ~~Creation of the State Technology Office;~~ Powers and duties of the department.~~--There is created a State Technology Office within~~ The powers and duties of the department include ~~Department of Management Services. The office shall be a separate budget entity, and shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions~~:

(1) To publish electronically the portfolio of services available from the department ~~office~~, including pricing information; the policies and procedures of the department ~~office~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.~~

~~(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(2)~~(4)~~ To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting communications ~~information technology~~ requirements efficiently and effectively.

~~(5) To integrate the information technology systems and services of state agencies.~~

(3)~~(6)~~ To adopt technical standards for the state communications ~~information technology~~ system which will assure the interconnection of computer networks and information systems of agencies.

(4)~~(7)~~ To assume management responsibility for any consolidated communications system ~~integrated information technology system~~ or service when determined jointly by the department and the agency ~~office~~ to be economically efficient or performance-effective.

(5)~~(8)~~ To enter into agreements ~~related to information technology~~ with state agencies and political subdivisions of the state for services provided herein.

(6)~~(9)~~ To use and acquire, with agency concurrence, communications facilities ~~information technology~~ now owned or operated by any agency.

(7)~~(10)~~ To purchase from or contract with information technology providers for communications facilities and services ~~information technology~~, including private line services.

(8)~~(11)~~ To apply for, receive, and hold, and to assist agencies in applying for, receiving, or holding, such authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(9)~~(12)~~ To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(10)~~(13)~~ To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(11)~~(14)~~ To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use communications equipment, facilities, and services ~~information technology~~ or, as necessary, to control and approve the purchase, lease, or acquisition and the use of all communications equipment, services, and facilities ~~information technology~~, including, but not limited to, communications services provided as part of any other total system to be used by the state or any of its agencies.

(12)~~(15)~~ To acquire ownership, possession, custody, and control of existing communications equipment and facilities, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology ~~and~~ to administer the provisions of this part.

(14)~~(17)~~ To provide a means whereby political subdivisions of the state may use state information technology systems upon such terms and under such conditions as the department ~~office~~ may establish.

(15)~~(18)~~ To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(16)~~(19)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(17)~~(20)~~ Unless delegated to the agencies ~~by the Chief Information Officer~~, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the service level agreements executed with state agencies.

(18)~~(21)~~ To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(19)~~(22)~~ To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under department ~~office~~ control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The department ~~office~~ may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department ~~office~~ and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department ~~office~~ by the wireless provider or telecommunications company. All such fees collected by the department ~~office~~ shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department ~~office~~ to construct, maintain, or support the system.

(20)~~(23)~~ To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses which reflects cost-effective deployment strategies in keeping with industry standards and practices and includes protections and security of private information as well as maintenance of public records.

~~(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections and security of private information as well as maintenance of public records.~~

~~(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.~~

~~(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.~~

~~(25) To facilitate state information technology education and training for senior management and other agency staff.~~

~~(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.~~

~~(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.~~

~~(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.~~

~~(29) To facilitate the development of a network access point in this state, as needed.~~

~~(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.~~

Section 10. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.--

(1) There is created within the Department of Management Services ~~State Technology Office~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The department ~~State Technology Office~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies and state universities are required to use the SUNCOM Network for agency and state university communications services ~~as the services become available~~; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the department ~~State Technology Office~~ in writing and detail the requirements for that communications service. If the department ~~office~~ is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the department ~~office~~ may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 11. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.--Any municipality may request the department ~~State Technology Office~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the department ~~office~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the department ~~office~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 12. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.--

(1) The department ~~State Technology Office~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the department ~~office~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the department ~~office~~.

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the department ~~office~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

Section 13. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.--The department ~~State Technology Office~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 14. Section 282.1065, Florida Statutes, is created to read:

282.1065 Use of SUNCOM Network by hospitals.-- The department may provide SUNCOM Network services to hospitals or other facilities licensed under chapter 395 and their state associations who currently contract with or provide services on behalf of state or local governments.

Section 15. Section 282.107, Florida Statutes, is amended to read:

282.107 SUNCOM Network; criteria for usage.--

(1) The department ~~State Technology Office~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The department ~~State Technology Office~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

(3) Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 16. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system and interoperability network.--

(1) The department ~~State Technology Office~~ may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. The Joint Task Force on State Agency Law Enforcement Communications is established in the department ~~State Technology Office~~ to advise the department ~~office~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the department ~~State Technology Office~~. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The department ~~State Technology Office~~ is hereby authorized to rent or lease space on any tower under its control. The department ~~office~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the department ~~office~~ for each site, when it is determined to be practicable and feasible to make space available. The department ~~office~~ may refuse to lease space on any tower at any site. All moneys collected by the department ~~office~~ for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the department ~~office~~ to construct, maintain, or support the system.

(g) The department ~~State Technology Office~~ is hereby authorized to rent, lease, or sublease ground space on lands acquired by the department ~~office~~ for the construction of privately owned or publicly owned towers. The department ~~office~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the department ~~office~~ to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(h) The department ~~State Technology Office~~ may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The department ~~office~~ shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The department ~~office~~ shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

(3) Upon appropriation, moneys in the trust fund may be used by the department ~~office~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department ~~office~~ to provide for payment of the recurring maintenance costs of the system.

(4)(a) The department ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, in consultation with the department ~~office~~, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5) The department ~~office~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(6)(a) The department ~~State Technology Office~~ may create and implement an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security. The department ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The department ~~office~~ may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department ~~State Technology Office~~ may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.--

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the department ~~State Technology Office~~ with any information the department ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The department ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the department ~~office~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The department ~~office~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The secretary of the Department of Management Services ~~Chief Information Officer of the State Technology Office~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the department ~~State Technology Office~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the department ~~State Technology Office~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.--

(1)(a) The Department of Management Services ~~State Technology Office~~ shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2. "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the department ~~office~~ and other customers as an

information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the department ~~office~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The department ~~office~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the secretary of the department ~~Chief Information Officer~~.

(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating Trust Fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the secretary of the department ~~Chief Information Officer~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the secretary ~~Chief Information Officer~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 ~~The State Technology Office's~~ Electronic access services of the department.--The department ~~State Technology Office~~ may collect fees for providing remote electronic access pursuant to s. 119.07(2). The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Section 282.22, Florida Statutes, is amended to read:

282.22 ~~State Technology Office;~~ Production, dissemination, and ownership of materials and products.--

(1) It is the intent of the Legislature that when materials, products, information, and services are acquired or developed by or under the direction of the department ~~State Technology Office~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the department may ~~office is authorized to~~ publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The department may ~~office is authorized to~~ charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services.

(3) If ~~In cases in which~~ the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the department ~~office~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the Executive Office of the Governor, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the department deems ~~office shall deem~~ proper and in the best interest of the state; the department shall ~~office is authorized and directed to~~ protect same against improper or unlawful use or infringement ~~and~~ to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the department ~~office~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 21. Section 282.23, Florida Statutes, is repealed.

Section 22. Section 282.3025, Florida Statutes, is created to read:

282.3025 Florida Technology Council; powers and duties.--

(1) There is created a Florida Technology Council within the Department of Management Services. The council shall be headed by a State Chief Information Officer who is appointed by the Governor. The Department of Management Services shall provide administrative support and services to the council.

(2) The council shall have the following powers, duties, and functions:

(a) Develop and submit by January 15, 2006, a Statewide Information Technology Strategic Plan consistent with the provisions of s. 282.0051(1), and in consultation with the Agency Chief Information Officers Council. The plan must include, but need not be limited to, a description and recommendations as to how the state can deploy information technology that:

1. Aligns state information technology resources and assets to achieve an enterprise perspective and focus state investments on initiatives that provide significant improvements in statewide service delivery and business operations.

2. Makes state governmental information and services more accessible to residents and the state's clients.

3. Improves governmental efficiency and cost-effectiveness.

4. Improves security and performance of the state's information technology infrastructure.

5. Makes recommendations for changes to the statutes which promote the findings of the report.

(b) Develop enterprise information technology policies, standards, guidelines, and procedures in consultation with and subject to the approval of the Agency Chief Information Officers Council, the Technology Review Workgroup, and the department, relating to enterprise architecture, enterprise Internet portal, business continuity and disaster recovery, security, computing, networks, desktop equipment, and communications.

(c) Recommend, in consultation with and subject to the approval of the Agency Chief Information Officers Council and the Technology Review Workgroup, a project management methodology for use by the agencies to meet the provisions of s. 282.0051. The methodology shall be adopted by September 30, 2005, for distribution to the agencies.

(d) Develop, in consultation with and subject to the approval of the Agency Chief Information Officers Council and the Technology Review Workgroup, a model agency information technology investment management process and an information technology investment portfolio. The model process shall be adopted by September 30, 2005, for distribution to the agencies.

(e) Review recommendations made by the Agency Chief Information Officers Council for improving information technology in agencies or the state and make recommendations to the Governor and the Legislature for consideration during legislative session.

(f) Review each agency information technology investment portfolio and make recommendations to the Governor and the Legislature regarding opportunities consistent with s. 282.0051(1).

(g) Prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for

information technology, when requested.

(3) The Florida Technology Council may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 23. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information technology planning and ~~resources~~ management responsibilities.--For purposes of ss. 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information technology planning and ~~resources~~ management are assigned to the university boards of trustees for the development and implementation of planning, management, rulemaking, standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the agency head ~~State Technology Office~~ for the agencies within the executive branch of state government.

Section 24. Section 282.3032, Florida Statutes, is repealed.

Section 25. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.--

(1)(a) To assist the agency head ~~State Technology Officer~~ in carrying out information technology ~~the enterprise resource~~ planning and management responsibilities, the agency head ~~Chief Information Officer~~ may appoint or contract for an agency chief information officer. This position may be full time or part time.

(b) The agency chief information officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the agency chief information officer include, but are not limited to:

(a) Coordinating and facilitating agency information technology ~~enterprise resource~~ planning and management projects and initiatives.

(b) Preparing the ~~an~~ agency ~~annual~~ information technology investment portfolio ~~report on enterprise resource planning and management~~ pursuant to the provisions of s. 282.0051 ~~s. 282.3063~~.

(c) Developing and implementing agency information technology ~~enterprise resource~~ planning and management policies, procedures, guidelines, and standards consistent with statewide policies, procedures, guidelines, and standards~~, including specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures~~.

(d) Advising agency senior management as to the information technology ~~enterprise resource~~ planning and management and the information technology investment needs of the agency ~~for inclusion in planning documents required by law~~.

(e) Staffing and supporting an agency information technology investment management process.

~~(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.~~

Section 26. Section 282.3063, Florida Statutes, is repealed.

Section 27. Section 282.310, Florida Statutes, is repealed.

Section 28. Section 282.315, Florida Statutes, is amended to read:

282.315 Agency Chief Information Officers Council; creation.--The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise information technology ~~resource~~ planning and management issues are ~~is~~ essential to improving state management of such resources.

(1) There is created an Agency Chief Information Officers Council to:

(a) Enhance communication among the agency chief information officers and the Florida Technology Council ~~by sharing enterprise resource planning and management experiences and exchanging ideas~~.

(b) Identify and recommend ~~Facilitate the sharing of~~ best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies, and assist the Florida Technology Council in the development of policies, standards, guidelines, and procedures for use by all state agencies.

(c) Identify efficiency opportunities among state agencies to fulfill the guidelines in s. 282.3032 and make recommendations for action to the Florida Technology Council.

(d) Serve as an educational forum for enterprise information technology ~~resource~~ planning and management issues.

(e) Identify ~~Assist the State Technology Office in identifying~~ critical statewide issues and, when appropriate, make recommendations to the Florida Technology Council for solving information technology ~~enterprise resource planning and management~~ deficiencies.

(2) Members of the council shall include the agency chief information officers, including the chief information officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one chief information officer selected by the state attorneys and one chief information officer selected by the public defenders. The chairs, or their designees, of the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Agency Chief Information Officers Council as voting members. The council shall appoint a chair, a vice chair, and a secretary from its members to serve a 1-year term each. The council shall establish procedures to govern council business.

(3) The Florida Technology Council ~~State Technology Office~~ shall provide administrative support to the council.

Section 29. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.--

(1) This section may be cited as the "Security of Data and Information Technology Infrastructure ~~Resources~~ Act."

(2)(a) ~~The State Technology Office, in consultation with~~ Each agency head~~,~~ is responsible and accountable for assuring an adequate level of security for all data and information technology infrastructure ~~resources~~ of each agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of each agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology infrastructure ~~resources~~ of each agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology infrastructure ~~resources~~ of each agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology infrastructure ~~resources~~ are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology infrastructure ~~resources~~ of each agency.

5. Ensure that periodic internal audits and evaluations of each security program for the data and information technology infrastructure ~~resources~~ of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the agency ~~State Technology Office~~, in consultation with the Department of Law Enforcement ~~each agency head~~, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the department ~~State Technology Office~~ develops state contracts for use by state agencies, the department ~~office~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information

technology infrastructure ~~resources~~.

Section 30. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.--

~~(1)~~ For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

~~(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.~~

Section 31. Paragraph (a) of subsection (3), subsections (4), (5), (7), (9), (10), and (12), and paragraph (a) of subsection (13) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number ~~"~~911.~~"~~--

(3) DEFINITIONS.--As used in this section:

(a) "Department ~~Office~~" means the Department of Management Services ~~State Technology Office~~.

(4) STATE PLAN.--The department ~~office~~ shall develop a statewide emergency telephone number "911" system plan. The plan shall provide for:

(a) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the state.

(b) A system to meet specific local government requirements. Such system shall include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.

(c) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(d) A funding provision which shall identify the cost necessary to implement the "911" system.

(e) A firm implementation schedule which shall include the installation of the "911" system in a local community within 24 months after the designated agency of the local government gives a firm order to the telephone utility for a "911" system.

The department ~~office~~ shall be responsible for the implementation and coordination of such plan. The department ~~office~~ shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating such plan, pursuant to chapter 120. The public agency designated in the plan shall order such system within 6 months after publication date of the plan if the public agency is in receipt of funds appropriated by the Legislature for the implementation and maintenance of the "911" system. Any jurisdiction which has utilized local funding as of July 1, 1976, to begin the implementation of the state plan as set forth in this section shall be eligible for at least a partial reimbursement of its direct cost when, and if, state funds are available for such reimbursement.

(5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the department ~~office~~ or his or her designee is designated as the director of the statewide emergency telephone number "911" system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The secretary ~~director~~ is authorized to employ not less than five persons, three of whom will be at the professional level, one at the secretarial level, and one to fill a fiscal position, for the purpose of carrying out the provisions of this section. The secretary ~~director~~ in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(7) TELEPHONE INDUSTRY COORDINATION.--The department ~~office~~ shall coordinate with the Florida Public Service Commission which shall encourage the Florida telephone industry to activate facility modification plans for a timely "911" implementation.

(9) SYSTEM APPROVAL.--No emergency telephone number "911" system shall be established and no present system shall be expanded without prior approval of the department ~~office~~.

(10) COMPLIANCE.--All public agencies shall assist the department ~~office~~ in their efforts to carry out the intent of this section, and such agencies shall comply with the developed plan.

(12) FEDERAL ASSISTANCE.--The secretary of the department ~~office~~ or his or her designee may apply for and accept federal funding assistance in the development and implementation of a statewide emergency telephone number "911" system.

(13) "911" FEE.--

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90

days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. Such fund shall be included within the financial audit performed in accordance with s. 218.39. A report of the audit shall be forwarded to the department ~~office~~ within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the department ~~office~~ within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the department ~~office~~. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

~~As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.~~

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency "311" system, or similar nonemergency system, which improves the overall efficiency of an existing "911" system or reduces "911" emergency response time for a 2-year pilot project that ends June 30, 2003. However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

Section 32. Paragraph (d) of subsection (2), paragraph (f) of subsection (3), subsection (4), paragraph (a) of subsection (5), and paragraphs (c) and (d) of subsection (6) of section 365.172, Florida Statutes, are amended to read:

365.172 Wireless emergency telephone number "E911."--

(2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The Legislature finds and declares that:

(d) The revenues generated by the E911 fee imposed under this section are required to fund the efforts of the counties, the Wireless 911 Board under the Department of Management Services ~~State Technology Office~~, and commercial mobile radio service providers to improve the public health, safety, and welfare and serve a public purpose by providing emergency telephone assistance through wireless communications.

(3) DEFINITIONS.--As used in this section and ss. 365.173 and 365.174, the term:

(f) "Department ~~Office~~" means the Department of Management Services ~~State Technology Office~~.

(4) POWERS AND DUTIES OF THE DEPARTMENT ~~OFFICE~~.--The department ~~office~~ shall oversee the administration of the fee imposed on subscribers of statewide E911 service under subsection (8).

(5) THE WIRELESS 911 BOARD.--

(a) The Wireless 911 Board is established to administer, with oversight by the department ~~office~~, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of such revenues to providers, counties, and the department ~~office~~; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the department ~~office~~ on amounts collected and expended, the purposes for which expenditures have been made, and the status of wireless E911 service in this state. In order to

advise and assist the department ~~office~~ in carrying out the purposes of this section, the board, which shall have the power of a body corporate, shall have the powers enumerated in subsection (6).

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

(c) By February 28 of each year, the board shall prepare a report for submission by the department ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the department ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider to comply with the order, and the amount of moneys on deposit in the fund, all as of December 1, 2000.

2. Whether the amount of the E911 fee and the allocation percentages set forth in s. 365.173 should be adjusted to comply with the requirements of the order, and, if so, a recommended adjustment to the E911 fee.

3. Any other issues related to providing wireless E911 services.

Section 33. Subsections (2), (5), (6), and (9) of section 445.049, Florida Statutes, are amended to read:

445.049 Digital Divide Council.--

(2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is created in the Department of Management Services ~~State Technology Office~~. The council shall consist of:

(a) The Secretary of Management Services or his or her designee ~~chief information officer in the State Technology Office~~.

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) The chair of the Network Access Point of the Americas.

(h) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(i) A representative of the information technology industry in this state appointed by the President of the Senate.

(j) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(k) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.--The Department of Management Services ~~State Technology Office~~ shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the Department of Management Services ~~State Technology Office~~ related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.--The council, through the Department of Management Services ~~State Technology Office~~, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The Department of Management Services ~~State Technology Office~~ shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.

(9) ANNUAL REPORT.--By March 1 each year, ~~2002,~~ the council, through the Department of Management Services ~~State Technology Office~~, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 34. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to information technology management; creating s. 282.0051, F.S.; providing legislative findings and intent; providing definitions; providing each agency use an information technology investment management process to support investment decisions; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; providing requirements for project administration; amending s. 20.22, F.S.; establishing the Technology Program in the Department of Management Services; creating the Florida Technology Council; removing duty of the State Technology Office to operate and manage the Technology Resource Center; repealing s. 186.022, F.S., relating to Information technology strategic plans; amending s. 216.0446, F.S.; revising duties of the legislative Technology Review Workgroup to remove participation of the State Technology Office; conforming reference to a report; repealing s. 216.292(1)(c), F.S., relating to provisions authorizing transfer of positions and appropriations in fiscal year 2001-2002 for the purpose of consolidating information technology resources; amending s. 282.0041, F.S.; revising definitions for purposes of information resources management; defining the terms "department" and "Florida Technology Council"; deleting the Agency Annual Enterprise Resource Planning and Management Report; deleting the State Annual Report on Enterprise Resource Planning and Management; providing for appointment of an agency chief information officer by the agency head; repealing s. 282.005, F.S., relating to Legislative findings and intent; creating s. 282.0055, F.S.; limiting actions by the Florida Technology Council and the department which affect a Cabinet officer; amending s. 282.102, F.S.; removing provisions for the creation, powers, and duties of the State Technology Office; removing provisions for a Chief Information Officer and a State Chief Privacy Officer; removing provisions relating to information technology and enterprise resource management; providing powers, duties, and functions of the Department of Management Services for operating the statewide communications system; transferring powers and duties relating to communications systems from the State Technology Office to the Department of Management Services; authorizing the department to adopt rules; authorizing the department to set a fee for

placement of certain telecommunications facilities on state property; creating s. 282.1065, F.S.; authorizing the department to provide SUNCOM services to hospitals or other facilities licensed under ch. 395, F.S.; amending ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111, F.S., relating to the SUNCOM Network, the state agency law enforcement radio system and interoperability network, and the statewide system of regional law enforcement communications to conform references to changes made by the act; amending s. 282.20, F.S.; providing for operation and management of the Technology Resource Center by the Department of Management Services; amending s. 282.21, F.S.; authorizing the department to collect fees for providing remote electronic access; removing provisions for collection of such fees by the State Technology Office; amending s. 282.22, F.S.; providing for dissemination of materials, products, information, and services acquired or developed by or under the direction of the department; removing reference to the State Technology Office with respect to such materials, products, information, and services; repealing s. 282.23, F.S., relating to establishment of a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material; creating s. 282.3025, F.S.; providing for creation, powers, and duties of the Florida Technology Council within the Department of Management Services; providing for a State Chief Information Officer appointed by the Governor; providing for development of a Statewide Information Technology Strategic Plan, enterprise information technology policies, standards, guidelines, and procedures, a model agency information technology investment management process and an information technology investment portfolio, and memoranda on recommended guidelines and best practices for information technology; providing for review and recommendations to the Governor and the Legislature regarding agency information technology projects and plans; providing for preparation of state reports and memoranda; providing rulemaking authority; amending s. 282.3031, F.S.; deleting assignment of certain information technology functions to the State Technology Office; conforming terminology; repealing s. 282.3032, F.S., relating to guiding principles for development and implementation of information systems; amending s. 282.3055, F.S.; providing for appointment of the agency chief information officer by the agency head; providing for staffing and supporting of an agency information technology investment board; conforming terminology; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising duties of the Agency Chief Information Officers Council; providing for the council to assist the Florida Technology Council for certain purposes, identify opportunities to meet specified information technology guidelines, and make certain recommendations to the Florida Technology Council; providing for the appointment and terms of officers; amending s. 282.318, F.S.; changing the popular name; removing responsibility of the State Technology Office; providing that each agency head is responsible and accountable for ensuring an adequate level of security for data and information; providing for certain security requirements to be determined by the department; conforming terminology; amending s. 282.322, F.S., removing a procedure to monitor certain information resources management projects; amending ss. 365.171 and 365.172, F.S., relating to statewide emergency telephone number systems; designating duties of the State Technology Office as duties of the Department of Management Services; conforming requirements with respect thereto; amending s. 445.049, F.S., relating to the Digital Divide Council; designating duties of the State Technology Office as duties of the Department of Management Services; providing an effective date.

Rep. Allen moved the adoption of the amendment.

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

Representative Allen offered the following:

(Amendment Bar Code: 163331)

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

Section 1. Section 282.0051, Florida Statutes, is created to read:

282.0051 Information technology management.--

(1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the state needs an information technology architecture to support the business needs of individual agencies while optimizing the state's collective use of information technology through integration, coordination, consolidation, and sharing. It is the intent of the Legislature that:

(a) The state shall make governmental information and services more accessible to citizens by developing a statewide internet portal presence, a state e-mail system, and state security protocols.

(b) Each state agency shall develop and implement information technology in the best interest of the state by whatever means are cost effective and efficient, are nonvendor specific systems, and maximize use of shared data and resources.

(c) Agency information technology investments must be governed responsibly, consistent with fiscal and substantive policies established by the Legislature, and aligned with business needs.

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

(a) "Agency information technology investment management" means an analytical decisionmaking process that is used to systematically prioritize, select, and manage information technology investments for the agency.

(b) "Information technology investment" means the cost associated with agency resources, hardware, software, or contracted services that are required to provide information technology services and to initiate approved information technology projects.

(c) "Information technology portfolio" means the aggregate list of information technology investments aligned with agency business needs.

(d) "Information technology services" means the strategic and nonstrategic information technology services used to enable agency business processes and as further defined in the legislative budget instructions developed pursuant to s. 216.023.

(e) "Information technology services catalog" means a report defining and describing each information technology service.

(f) "Project management" means a set of disciplines required for planning, organizing, managing, implementing, and controlling organizational and fiscal resources in order to complete information technology projects.

(g) "Service level agreement" means a written agreement between a service provider and the agency which describes each service to be provided and documents the required service objectives and service levels for a service. Service providers include external providers, internal providers, and other agency providers.

(3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT PROCESS.--The agency information technology investment management process shall be used as the primary tool to support the information technology investment decisions of each agency. The agency shall adopt the model portfolio management process developed pursuant to s. 282.3025(2)(d) and may adjust the model to meet agency-specific organizational needs subject to the approval of the Agency Chief Information Officers Council.

(a) The investment management process shall:

1. Be administered by the agency head and include executive managers from across the agency's program areas.

2. Define initiatives using a comprehensive, uniform format.

3. Evaluate initiatives using an objective framework.

4. Prioritize initiatives and match initiatives to resources.

5. Manage the portfolio and the process proactively.

(b) Agency-approved initiatives which become information

technology projects are subject to the requirements of subsection (4). New initiatives requiring funding shall be submitted in the agency's legislative budget request pursuant to s. 216.023.

(c) The agency shall prepare an information technology portfolio in a format prescribed in the legislative budget instructions pursuant to s. 216.023. The portfolio shall include, but need not be limited to:

1. A summary statement of the agency's mission, goals, and objectives for information technology which are supported through the agency's information technology portfolio.

2. Identification of projects and resources required to meet the objectives of the portfolio.

3. The agency information technology services catalog with services linked to business processes or business needs.

4. Implementation schedules estimating the time and funding required to implement information technology projects.

5. Funding needed to implement information technology services identified in the information technology services catalog.

(d) The agency shall submit its information technology portfolio as part of its legislative budget request in the manner and form prescribed in the legislative budget request instructions as provided in s. 216.023.

(4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

(a) Each agency shall implement the project management methodology developed pursuant to s. 282.3025(2)(c). The agency may make adjustment based on their specific organizational needs and subject to the approval of the Agency Chief Information Officers Council.

(b) Information technology projects shall be administered according to the following requirements:

1. Projects that refresh desktop units or infrastructure equipment with new technology that is similar to the technology currently in use are exempt from the project planning and reporting requirements in this section unless otherwise specified in the General Appropriations Act.

2. For projects with a total cost ranging from $500,000 to $1,999,999, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled.

3. For projects with a total cost ranging from $500,000 to $2 million which involve routine hardware or software upgrades for a single agency, the agency must appoint a project manager to timely deploy and implement the upgrade. Should the project be considered high-risk, the project manager shall ensure that needed project planning and management requirements are fulfilled.

4. For projects with a total cost ranging from $2 million to $10 million, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled. For projects in this range which are determined to impact the general public or which affect an agency's organizational structure, business processes, or service delivery model, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

5. For any project with a total cost greater than $10 million, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

Section 2. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.--There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(2) The following divisions and programs within the Department of Management Services are established:

(a) Facilities Program.

(b) ~~State~~ Technology Program ~~Office~~.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

(i) Florida Technology Council.

~~(3) The State Technology Office shall operate and manage the Technology Resource Center.~~

(3)~~(4)~~ The duties of the Chief Labor Negotiator shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 3. Section 186.022, Florida Statutes, is repealed.

Section 4. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.--

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup ~~and the State Technology Office~~ shall ~~independently~~ review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information technology ~~resources management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.~~

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the Statewide Information Technology Strategic Plan ~~State Annual Report on Enterprise Resource Planning and Management~~ and statewide policies recommended by the State Technology Office, and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, that exceed $500,000 in total cost over a 1-year period, or that are requested by the Legislative Budget Commission to be reviewed.

Section 5. Pursuant to section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.292, Florida Statutes, is repealed.

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.--For the purposes of this part, the term:

(1) "Agency" means those entities described in s. 216.011(1)(qq).

~~(2) "Agency Annual Enterprise Resource Planning and Management Report" means the report prepared by each agency chief information officer as required by s. 282.3063.~~

(2)~~(3)~~ "Agency chief information officer" means the person appointed by the agency head ~~State Technology Office~~ to coordinate and manage the information technology policies and activities applicable to that agency.

(3)~~(4)~~ "Agency Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information technology issues and initiatives among the agencies.

(4) "Department" means the Department of Management Services.

(5) "Florida Technology Council" or "council" means the organization created in s. 282.3025.

(6)~~(7)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze,

evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(7)~~(5)~~ "Information technology ~~Enterprise resources management~~ infrastructure" means the hardware, software, networks, data, human resources, policies, standards, facilities, maintenance, and related materials and services that are required to support the business processes of an agency or state enterprise.

(8)~~(6)~~ "Information technology ~~Enterprise resource~~ planning and management" means the planning, budgeting, acquiring, developing, organizing, directing, training, control, and related services associated with government information technology. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(9)~~(8)~~ "Project" means an undertaking directed at the implementation ~~accomplishment~~ of information technology to achieve a strategic objective ~~relating to enterprise resources management~~ or a specific appropriated program.

~~(9) "State Annual Report on Enterprise Resource Planning and Management" means the report prepared by the State Technology Office as defined in s. 282.102.~~

(10) "Standards" means the generally accepted definitions for information technology which promote the use of current, open, ~~nonproprietary,~~ or non-vendor-specific technologies.

~~(11) "State Technology Office" or "office" means the office created in s. 282.102.~~

~~(12) "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.~~

Section 7. Section 282.005, Florida Statutes, is repealed.

Section 8. Section 282.0055, Florida Statutes, is created to read:

282.0055 Limitation with respect to cabinet personnel.--The Florida Technology Council and the department may not take action affecting the supervision, control, management, or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Section 9. Section 282.102, Florida Statutes, is amended to read:

282.102 ~~Creation of the State Technology Office;~~ Powers and duties of the department.~~--There is created a State Technology Office within~~ The powers and duties of the department include ~~Department of Management Services. The office shall be a separate budget entity, and shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions~~:

(1) To publish electronically the portfolio of services available from the department ~~office~~, including pricing information; the policies and procedures of the department ~~office~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.~~

~~(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(2)~~(4)~~ To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting communications ~~information technology~~ requirements efficiently and effectively.

~~(5) To integrate the information technology systems and services of state agencies.~~

(3)~~(6)~~ To adopt technical standards for the state communications ~~information technology~~ system which will assure the interconnection of computer networks and information systems of agencies.

(4)~~(7)~~ To assume management responsibility for any consolidated communications system ~~integrated information technology system~~ or service when determined jointly by the department and the agency ~~office~~ to be economically efficient or performance-effective.

(5)~~(8)~~ To enter into agreements ~~related to information technology~~ with state agencies and political subdivisions of the state for services provided herein.

(6)~~(9)~~ To use and acquire, with agency concurrence, communications facilities ~~information technology~~ now owned or operated by any agency.

(7)~~(10)~~ To purchase from or contract with information technology providers for communications facilities and services ~~information technology~~, including private line services.

(8)~~(11)~~ To apply for, receive, and hold, and to assist agencies in applying for, receiving, or holding, such authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(9)~~(12)~~ To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(10)~~(13)~~ To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(11)~~(14)~~ To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use communications equipment, facilities, and services ~~information technology~~ or, as necessary, to control and approve the purchase, lease, or acquisition and the use of all communications equipment, services, and facilities ~~information technology~~, including, but not limited to, communications services provided as part of any other total system to be used by the state or any of its agencies.

(12)~~(15)~~ To acquire ownership, possession, custody, and control of existing communications equipment and facilities, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology ~~and~~ to administer the provisions of this part.

(14)~~(17)~~ To provide a means whereby political subdivisions of the state may use state information technology systems upon such terms and under such conditions as the department ~~office~~ may establish.

(15)~~(18)~~ To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(16)~~(19)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(17)~~(20)~~ Unless delegated to the agencies ~~by the Chief Information Officer~~, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the

SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the service level agreements executed with state agencies.

(18)~~(21)~~ To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(19)~~(22)~~ To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under department ~~office~~ control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The department ~~office~~ may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department ~~office~~ and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department ~~office~~ by the wireless provider or telecommunications company. All such fees collected by the department ~~office~~ shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department ~~office~~ to construct, maintain, or support the system.

(20)~~(23)~~ To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses which reflects cost-effective deployment strategies in keeping with industry standards and practices and includes protections and security of private information as well as maintenance of public records.

~~(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections and security of private information as well as maintenance of public records.~~

~~(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.~~

~~(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.~~

~~(25) To facilitate state information technology education and training for senior management and other agency staff.~~

~~(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.~~

~~(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.~~

~~(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.~~

~~(29) To facilitate the development of a network access point in this state, as needed.~~

~~(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.~~

Section 10. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.--

(1) There is created within the Department of Management Services ~~State Technology Office~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The department ~~State Technology Office~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies and state universities are required to use the SUNCOM Network for agency and state university communications services ~~as the services become available~~; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the department ~~State Technology Office~~ in writing and detail the requirements for that communications service. If the department ~~office~~ is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the department ~~office~~ may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 11. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.--Any municipality may request the department ~~State Technology Office~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the department ~~office~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the department ~~office~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 12. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.--

(1) The department ~~State Technology Office~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the department ~~office~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the department ~~office~~.

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the department ~~office~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess

of $50 million.

Section 13. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.--The department ~~State Technology Office~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 14. Section 282.1065, Florida Statutes, is created to read:

282.1065 Use of SUNCOM Network by hospitals.-- The department may provide SUNCOM Network services to hospitals or other facilities licensed under chapter 395 and their state associations who currently contract with or provide services on behalf of state or local governments.

Section 15. Section 282.107, Florida Statutes, is amended to read:

282.107 SUNCOM Network; criteria for usage.--

(1) The department ~~State Technology Office~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The department ~~State Technology Office~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

(3) Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 16. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system and interoperability network.--

(1) The department ~~State Technology Office~~ may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. The Joint Task Force on State Agency Law Enforcement Communications is established in the department ~~State Technology Office~~ to advise the department ~~office~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the department ~~State Technology Office~~. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The department ~~State Technology Office~~ is hereby authorized to rent or lease space on any tower under its control. The department ~~office~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the department ~~office~~ for each site, when it is determined to be practicable and feasible to make space available. The department ~~office~~ may refuse to lease space on any tower at any site. All moneys collected by the department ~~office~~ for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the department ~~office~~ to construct, maintain, or support the system.

(g) The department ~~State Technology Office~~ is hereby authorized to rent, lease, or sublease ground space on lands acquired by the department ~~office~~ for the construction of privately owned or publicly owned towers. The department ~~office~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the department ~~office~~ to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(h) The department ~~State Technology Office~~ may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The department ~~office~~ shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The department ~~office~~ shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

(3) Upon appropriation, moneys in the trust fund may be used by the department ~~office~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department ~~office~~ to provide for payment of the recurring maintenance costs of the system.

(4)(a) The department ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a

comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, in consultation with the department ~~office~~, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5) The department ~~office~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(6)(a) The department ~~State Technology Office~~ may create and implement an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security. The department ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The department ~~office~~ may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department ~~State Technology Office~~ may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.--

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the department ~~State Technology Office~~ with any information the department ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The department ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the department ~~office~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The department ~~office~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The secretary of the Department of Management Services ~~Chief Information Officer of the State Technology Office~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the department ~~State Technology Office~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the department ~~State Technology Office~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.--

(1)(a) The Department of Management Services ~~State Technology Office~~ shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2. "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the department ~~office~~ and other customers as an information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the department ~~office~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The department ~~office~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the secretary of the department ~~Chief Information Officer~~.

(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating Trust Fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the secretary of the department ~~Chief Information Officer~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the secretary ~~Chief Information Officer~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 ~~The State Technology Office's~~ Electronic access services of the department.--The department ~~State Technology Office~~ may collect fees for providing remote electronic access pursuant to s. 119.07(2). The

fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Section 282.22, Florida Statutes, is amended to read:

282.22 ~~State Technology Office;~~ Production, dissemination, and ownership of materials and products.--

(1) It is the intent of the Legislature that when materials, products, information, and services are acquired or developed by or under the direction of the department ~~State Technology Office~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the department may ~~office is authorized to~~ publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The department may ~~office is authorized to~~ charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services.

(3) If ~~In cases in which~~ the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the department ~~office~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the Executive Office of the Governor, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the department deems ~~office shall deem~~ proper and in the best interest of the state; the department shall ~~office is authorized and directed to~~ protect same against improper or unlawful use or infringement ~~and~~ to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the department ~~office~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 21. Section 282.23, Florida Statutes, is repealed.

Section 22. Section 282.3025, Florida Statutes, is created to read:

282.3025 Florida Technology Council; powers and duties.--

(1) There is created a Florida Technology Council within the Department of Management Services. The council shall be headed by a State Chief Information Officer who is appointed by the Governor. The Department of Management Services shall provide administrative support and services to the council.

(2) The council shall have the following powers, duties, and functions:

(a) Develop and submit by January 15, 2006, a Statewide Information Technology Strategic Plan consistent with the provisions of s. 282.0051(1), and in consultation with the Agency Chief Information Officers Council. The plan must include, but need not be limited to, a description and recommendations as to how the state can deploy information technology that:

1. Aligns state information technology resources and assets to achieve an enterprise perspective and focus state investments on initiatives that provide significant improvements in statewide service delivery and business operations.

2. Makes state governmental information and services more accessible to residents and the state's clients.

3. Improves governmental efficiency and cost-effectiveness.

4. Improves security and performance of the state's information technology infrastructure.

5. Makes recommendations for changes to the statutes which promote the findings of the report.

(b) Develop enterprise information technology policies, standards, guidelines, and procedures in consultation with and subject to the approval of the Agency Chief Information Officers Council and the department, and in consultation with the Technology Review Workgroup, relating to enterprise architecture, enterprise Internet portal, business continuity and disaster recovery, security, computing, networks, desktop equipment, and communications.

(c) Recommend, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to the approval of the Agency Chief Information Officers Council, a project management methodology for use by the agencies to meet the provisions of s. 282.0051. The methodology shall be adopted by September 30, 2005, for distribution to the agencies.

(d) Develop, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to the approval of the Agency Chief Information Officers Council, a model agency information technology investment management process and an information technology investment portfolio. The model process shall be adopted by September 30, 2005, for distribution to the agencies.

(e) Review recommendations made by the Agency Chief Information Officers Council for improving information technology in agencies or the state and make recommendations to the Governor and the Legislature for consideration during legislative session.

(f) Review each agency information technology investment portfolio and make recommendations to the Governor and the Legislature regarding opportunities consistent with s. 282.0051(1).

(g) Prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information technology, when requested.

(3) The Florida Technology Council may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 23. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information technology planning and ~~resources~~ management responsibilities.--For purposes of ss. 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information technology planning and ~~resources~~ management are assigned to the university boards of trustees for the development and implementation of planning, management, rulemaking, standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the agency head ~~State Technology Office~~ for the agencies within the executive branch of state government.

Section 24. Section 282.3032, Florida Statutes, is repealed.

Section 25. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.--

(1)(a) To assist the agency head ~~State Technology Officer~~ in carrying out information technology ~~the enterprise resource~~ planning and management responsibilities, the agency head ~~Chief Information Officer~~ may appoint or contract for an agency chief information officer. This position may be full time or part time.

(b) The agency chief information officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the agency chief information officer include, but are not limited to:

(a) Coordinating and facilitating agency information technology ~~enterprise resource~~ planning and management projects and initiatives.

(b) Preparing the ~~an~~ agency ~~annual~~ information technology investment portfolio ~~report on enterprise resource planning and management~~ pursuant to the provisions of s. 282.0051 ~~s. 282.3063~~.

(c) Developing and implementing agency information technology

~~enterprise resource~~ planning and management policies, procedures, guidelines, and standards consistent with statewide policies, procedures, guidelines, and standards~~, including specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures~~.

(d) Advising agency senior management as to the information technology ~~enterprise resource~~ planning and management and the information technology investment needs of the agency ~~for inclusion in planning documents required by law~~.

(e) Staffing and supporting an agency information technology investment management process.

~~(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.~~

Section 26. Section 282.3063, Florida Statutes, is repealed.

Section 27. Section 282.310, Florida Statutes, is repealed.

Section 28. Section 282.315, Florida Statutes, is amended to read:

282.315 Agency Chief Information Officers Council; creation.--The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise information technology ~~resource~~ planning and management issues are ~~is~~ essential to improving state management of such resources.

(1) There is created an Agency Chief Information Officers Council to:

(a) Enhance communication among the agency chief information officers and the Florida Technology Council ~~by sharing enterprise resource planning and management experiences and exchanging ideas~~.

(b) Identify and recommend ~~Facilitate the sharing of~~ best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies, and assist the Florida Technology Council in the development of policies, standards, guidelines, and procedures for use by all state agencies.

(c) Identify efficiency opportunities among state agencies to fulfill the guidelines in s. 282.3032 and make recommendations for action to the Florida Technology Council.

(d) Serve as an educational forum for enterprise information technology ~~resource~~ planning and management issues.

(e) Identify ~~Assist the State Technology Office in identifying~~ critical statewide issues and, when appropriate, make recommendations to the Florida Technology Council for solving information technology ~~enterprise resource planning and management~~ deficiencies.

(2) Members of the council shall include the agency chief information officers, including the chief information officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one chief information officer selected by the state attorneys and one chief information officer selected by the public defenders. The chairs, or their designees, of the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Agency Chief Information Officers Council as voting members. The council shall appoint a chair, a vice chair, and a secretary from its members to serve a 1-year term each. The council shall establish procedures to govern council business.

(3) The Florida Technology Council ~~State Technology Office~~ shall provide administrative support to the council.

Section 29. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.--

(1) This section may be cited as the "Security of Data and Information Technology Infrastructure ~~Resources~~ Act."

(2)(a) ~~The State Technology Office, in consultation with~~ Each agency head~~,~~ is responsible and accountable for assuring an adequate level of security for all data and information technology infrastructure ~~resources~~ of each agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of each agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology infrastructure ~~resources~~ of each agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology infrastructure ~~resources~~ of each agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology infrastructure ~~resources~~ are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology infrastructure ~~resources~~ of each agency.

5. Ensure that periodic internal audits and evaluations of each security program for the data and information technology infrastructure ~~resources~~ of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the agency ~~State Technology Office~~, in consultation with the Department of Law Enforcement ~~each agency head~~, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the department ~~State Technology Office~~ develops state contracts for use by state agencies, the department ~~office~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology infrastructure ~~resources~~.

Section 30. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.--

~~(1)~~ For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative

Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

~~(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.~~

Section 31. Paragraph (a) of subsection (3), subsections (4), (5), (7), (9), (10), and (12), and paragraph (a) of subsection (13) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."--

(3) DEFINITIONS.--As used in this section:

(a) "Department ~~Office~~" means the Department of Management Services ~~State Technology Office~~.

(4) STATE PLAN.--The department ~~office~~ shall develop a statewide emergency telephone number "911" system plan. The plan shall provide for:

(a) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the state.

(b) A system to meet specific local government requirements. Such system shall include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.

(c) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(d) A funding provision which shall identify the cost necessary to implement the "911" system.

(e) A firm implementation schedule which shall include the installation of the "911" system in a local community within 24 months after the designated agency of the local government gives a firm order to the telephone utility for a "911" system.

The department ~~office~~ shall be responsible for the implementation and coordination of such plan. The department ~~office~~ shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating such plan, pursuant to chapter 120. The public agency designated in the plan shall order such system within 6 months after publication date of the plan if the public agency is in receipt of funds appropriated by the Legislature for the implementation and maintenance of the "911" system. Any jurisdiction which has utilized local funding as of July 1, 1976, to begin the implementation of the state plan as set forth in this section shall be eligible for at least a partial reimbursement of its direct cost when, and if, state funds are available for such reimbursement.

(5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the department ~~office~~ or his or her designee is designated as the director of the statewide emergency telephone number "911" system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The secretary ~~director~~ is authorized to employ not less than five persons, three of whom will be at the professional level, one at the secretarial level, and one to fill a fiscal position, for the purpose of carrying out the provisions of this section. The secretary ~~director~~ in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(7) TELEPHONE INDUSTRY COORDINATION.--The department ~~office~~ shall coordinate with the Florida Public Service Commission which shall encourage the Florida telephone industry to activate facility modification plans for a timely "911" implementation.

(9) SYSTEM APPROVAL.--No emergency telephone number "911" system shall be established and no present system shall be expanded without prior approval of the department ~~office~~.

(10) COMPLIANCE.--All public agencies shall assist the department ~~office~~ in their efforts to carry out the intent of this section, and such agencies shall comply with the developed plan.

(12) FEDERAL ASSISTANCE.--The secretary of the department ~~office~~ or his or her designee may apply for and accept federal funding assistance in the development and implementation of a statewide emergency telephone number "911" system.

(13) "911" FEE.--

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. Such fund shall be included within the financial audit performed in accordance with s. 218.39. A report of the audit shall be forwarded to the department ~~office~~ within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the department ~~office~~ within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the department ~~office~~. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and

telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

~~As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.~~

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency "311" system, or similar nonemergency system, which improves the overall efficiency of an existing "911" system or reduces "911" emergency response time for a 2-year pilot project that ends June 30, 2003. However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

Section 32. Paragraph (d) of subsection (2), paragraph (f) of subsection (3), subsection (4), paragraph (a) of subsection (5), and paragraphs (c) and (d) of subsection (6) of section 365.172, Florida Statutes, are amended to read:

365.172 Wireless emergency telephone number "E911."--

(2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The Legislature finds and declares that:

(d) The revenues generated by the E911 fee imposed under this section are required to fund the efforts of the counties, the Wireless 911 Board under the Department of Management Services ~~State Technology Office~~, and commercial mobile radio service providers to improve the public health, safety, and welfare and serve a public purpose by providing emergency telephone assistance through wireless communications.

(3) DEFINITIONS.--As used in this section and ss. 365.173 and 365.174, the term:

(f) "Department ~~Office~~" means the Department of Management Services ~~State Technology Office~~.

(4) POWERS AND DUTIES OF THE DEPARTMENT ~~OFFICE~~.--The department ~~office~~ shall oversee the administration of the fee imposed on subscribers of statewide E911 service under subsection (8).

(5) THE WIRELESS 911 BOARD.--

(a) The Wireless 911 Board is established to administer, with oversight by the department ~~office~~, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of such revenues to providers, counties, and the department ~~office~~; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the department ~~office~~ on amounts collected and expended, the purposes for which expenditures have been made, and the status of wireless E911 service in this state. In order to advise and assist the department ~~office~~ in carrying out the purposes of this section, the board, which shall have the power of a body corporate, shall have the powers enumerated in subsection (6).

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

(c) By February 28 of each year, the board shall prepare a report for submission by the department ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the department ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider to comply with the order, and the amount of moneys on deposit in the fund, all as of December 1, 2000.

2. Whether the amount of the E911 fee and the allocation percentages set forth in s. 365.173 should be adjusted to comply with the requirements of the order, and, if so, a recommended adjustment to the E911 fee.

3. Any other issues related to providing wireless E911 services.

Section 33. Subsections (2), (5), (6), and (9) of section 445.049, Florida Statutes, are amended to read:

445.049 Digital Divide Council.--

(2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is created in the Department of Management Services ~~State Technology Office~~. The council shall consist of:

(a) The Secretary of Management Services or his or her designee ~~chief information officer in the State Technology Office~~.

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) The chair of the Network Access Point of the Americas.

(h) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(i) A representative of the information technology industry in this state appointed by the President of the Senate.

(j) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(k) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.--The Department of Management Services ~~State Technology Office~~ shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the Department of Management Services ~~State Technology Office~~ related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.--The council, through the Department of Management Services ~~State Technology Office~~, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The Department of Management Services ~~State Technology Office~~ shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.

(9) ANNUAL REPORT.--By March 1 each year, ~~2002,~~ the council, through the Department of Management Services ~~State Technology Office~~, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 34. For fiscal year 2005-2006, 16 positions are authorized and $2.0 million are appropriated from recurring General Revenue to the Florida Technology Council in the Department of Management Services to provide for personnel and other expenses necessary to implement the provisions of this act. The Executive Office of the Governor shall place these positions and funds in reserve until such time as the Department of Management Services submits an expenditure plan for approval to the Executive Office of the Governor, the House Fiscal Council, and the Senate Ways and Means Committee, pursuant to the provisions of s. 216.177, Florida Statutes.

Section 35. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to information technology management; creating s. 282.0051, F.S.; providing legislative findings and intent; providing definitions; providing each agency use an information technology investment management process to support investment decisions; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; providing requirements for project administration; amending s. 20.22, F.S.; establishing the Technology Program in the Department of Management Services; creating the Florida Technology Council; removing duty of the State Technology Office to operate and manage the Technology Resource Center; repealing s. 186.022, F.S., relating to Information technology strategic plans; amending s. 216.0446, F.S.; revising duties of the legislative Technology Review Workgroup to remove participation of the State Technology Office; conforming reference to a report; repealing s. 216.292(1)(c), F.S., relating to provisions authorizing transfer of positions and appropriations in fiscal year 2001-2002 for the purpose of consolidating information technology resources; amending s. 282.0041, F.S.; revising definitions for purposes of information resources management; defining the terms "department" and "Florida Technology Council"; deleting the Agency Annual Enterprise Resource Planning and Management Report; deleting the State Annual Report on Enterprise Resource Planning and Management; providing for appointment of an agency chief information officer by the agency head; repealing s. 282.005, F.S., relating to Legislative findings and intent; creating s. 282.0055, F.S.; limiting actions by the Florida Technology Council and the department which affect a Cabinet officer; amending s. 282.102, F.S.; removing provisions for the creation, powers, and duties of the State Technology Office; removing provisions for a Chief Information Officer and a State Chief Privacy Officer; removing provisions relating to information technology and enterprise resource management; providing powers, duties, and functions of the Department of Management Services for operating the statewide communications system; transferring powers and duties relating to communications systems from the State Technology Office to the Department of Management Services; authorizing the department to adopt rules; authorizing the department to set a fee for placement of certain telecommunications facilities on state property; creating s. 282.1065, F.S.; authorizing the department to provide SUNCOM services to hospitals or other facilities licensed under ch. 395, F.S.; amending ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111, F.S., relating to the SUNCOM Network, the state agency law enforcement radio system and interoperability network, and the statewide system of regional law enforcement communications to conform references to changes made by the act; amending s. 282.20, F.S.; providing for operation and management of the Technology Resource Center by the Department of Management Services; amending s. 282.21, F.S.; authorizing the department to collect fees for providing remote electronic access; removing provisions for collection of such fees by the State Technology Office; amending s. 282.22, F.S.; providing for dissemination of materials, products, information, and services acquired or developed by or under the direction of the department; removing reference to the State Technology Office with respect to such materials, products, information, and services; repealing s. 282.23, F.S., relating to establishment of a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material; creating s. 282.3025, F.S.; providing for creation, powers, and duties of the Florida Technology Council within the Department of Management Services; providing for a State Chief Information Officer appointed by the Governor; providing for development of a Statewide Information Technology Strategic Plan, enterprise information technology policies, standards, guidelines, and procedures, a model agency information technology investment management process and an information

technology investment portfolio, and memoranda on recommended guidelines and best practices for information technology; providing for review and recommendations to the Governor and the Legislature regarding agency information technology projects and plans; providing for preparation of state reports and memoranda; providing rulemaking authority; amending s. 282.3031, F.S.; deleting assignment of certain information technology functions to the State Technology Office; conforming terminology; repealing s. 282.3032, F.S., relating to guiding principles for development and implementation of information systems; amending s. 282.3055, F.S.; providing for appointment of the agency chief information officer by the agency head; providing for staffing and supporting of an agency information technology investment board; conforming terminology; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising duties of the Agency Chief Information Officers Council; providing for the council to assist the Florida Technology Council for certain purposes, identify opportunities to meet specified information technology guidelines, and make certain recommendations to the Florida Technology Council; providing for the appointment and terms of officers; amending s. 282.318, F.S.; changing the popular name; removing responsibility of the State Technology Office; providing that each agency head is responsible and accountable for ensuring an adequate level of security for data and information; providing for certain security requirements to be determined by the department; conforming terminology; amending s. 282.322, F.S., removing a procedure to monitor certain information resources management projects; amending ss. 365.171 and 365.172, F.S., relating to statewide emergency telephone number systems; designating duties of the State Technology Office as duties of the Department of Management Services; conforming requirements with respect thereto; amending s. 445.049, F.S., relating to the Digital Divide Council; designating duties of the State Technology Office as duties of the Department of Management Services; providing an appropriation and authorizing positions; requiring certain notice with respect to budget actions; providing an effective date.

Rep. Allen moved the adoption of the substitute amendment.

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

Representative(s) Allen offered the following:

(Amendment Bar Code: 206073)

Amendment 1 to Substitute Amendment 1—Remove line(s) 255-256 and insert:

for information technology which promotes the use of current and~~,open, nonproprietary, or~~ non-vendor-specific technologies.

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

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

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

HB 785—A bill to be entitled An act relating to limitations of asbestos liabilities under mergers or consolidations; providing definitions; providing application; providing exceptions; limiting successor asbestos-related liabilities; providing requirements and limitations; providing requirements and criteria for corporations to establish fair market value of total gross assets; providing for adjustments of the fair market value of total gross assets; providing limitations and requirements; providing requirements of courts in applying state law to certain liabilities; providing scope; providing application; providing an effective date.

The Business Regulation Committee recommended the following:

HB 785 CS—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

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

HB 1925—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; providing for nonmonetary relief; requiring a specified statement from a class member claiming monetary relief; providing for discovery prior to filing such statement; providing requirements for judgments; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to cure period; providing specified defenses to a cause of action; providing an effective date.

The State Administration Council recommended the following:

HB 1925 CS—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to the cure period; providing specified defenses to a cause of action; providing an effective date.

—was read the second time by title.

Representative Simmons offered the following:

(Amendment Bar Code: 640061)

Amendment 1 (with title amendment)—Remove lines 27-39 and insert:

(1) The Legislature finds that nationwide class action lawsuits brought in Florida state courts can pose an unreasonable burden, in certain circumstances, on the judicial system at potentially great expense to Florida taxpayers with minimal benefits for Florida residents. The Legislature further finds that nationwide class action lawsuits brought in Florida state courts can result in cases of nationwide importance not being heard in the federal courts, can result in forum shopping not based on the jurisdiction with the greatest connection to the controversy, and can result in one state's imposing its view of the law on other states and binding the rights of the residents of those states.

(2)(a) In any action asserting the right to class action status, the claimant class with capacity to sue shall be limited to residents of this state at the time of the alleged misconduct, except as provided in paragraph (b).

(b) Prior to issuance of the certification order, the court may expand a class to include any nonresident whose claim is recognized within the claimant's state of residence and is not time barred, but whose rights cannot be asserted because the claimant's state of residence lacks personal jurisdiction over the defendant or defendants. In addition, the claimant class may include nonresidents if the conduct giving rise to the claim occurred in this state.

(3) Notwithstanding any law to the contrary, in order to

Remove line 7 and insert:
774.01, F.S.; providing legislative findings; providing requirements for capacity to file

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

Representative Simmons offered the following:

(Amendment Bar Code: 337049)

Amendment 2—Remove lines 61 through 65 and insert:

(a) If the complainant will seek damages, the amount of the loss suffered by the complainant and the members of the putative class as a result of the alleged misconduct, and the damages sought.

(b) If, on behalf of the complainant and members of the putative class, the complainant will seek any nonmonetary relief, the remedy sought.

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

Representative Simmons offered the following:

(Amendment Bar Code: 850605)

Amendment 3—Remove line 84 and insert:
federal or state rules of civil procedure and this section.

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

Representative Seiler offered the following:

(Amendment Bar Code: 502583)

Amendment 4 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 774.01, Florida Statutes, is created to read:

774.01 Capacity to sue.--

(1)(a) In any action asserting the right to class action status, the claimant class with capacity to sue shall be limited to residents of this state at the time of the alleged misconduct, except as provided in paragraph (b).

(b) Prior to issuance of the certification order, the court may expand a class to include any nonresident whose claim is recognized within the claimant's state of residence and is not time barred, but whose rights cannot be asserted because the claimant's state of residence lacks personal jurisdiction over the defendant or defendants. In addition, the claimant class may include nonresidents if the conduct giving rise to the claim occurred in or emanated from this state.

(2) Notwithstanding any law to the contrary, in order to maintain a class action seeking monetary relief, the class must allege and prove either actual or statutory damages. Nothing in this section shall be construed to limit or restrict the ability of the Attorney General to bring a class action for the recovery of statutory penalties, if otherwise authorized by law. Class action claimants may also seek to obtain, if appropriate, nonmonetary relief or future relief, including injunctive relief and orders or declaratory relief and orders or judgments enjoining wrongful conduct, regardless of whether the class action claimants can prove any actual monetary damages or statutory damages. Nothing in this section or in s. 774.02 shall be construed to in any way limit or restrict the availability of such nonmonetary relief.

Section 2. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; providing an effective date.

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

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

HB 317—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

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

HB 505—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; amending s. 202.20, F.S.; limiting local government

authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing effective dates.

The Utilities & Telecommunications Committee recommended the following:

HB 505 CS—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the department to establish a toll-free number for certain registration and resale certificate verification purposes; providing requirements; requiring the department to establish a system for receiving certain information relating to certificate numbers of dealers making purchases for resale; providing requirements; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes; amending s. 202.20, F.S.; limiting local government authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing for nonapplication to certain emergency rates; providing effective dates.

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

HB 1437—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless as a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; requiring annual statements to contain certain information; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising a prohibited practice to apply to issuing life expectancies under certain circumstances; providing a criminal penalty; amending s. 626.99278, F.S.; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

The Commerce Council recommended the following:

HB 1437 CS—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless as a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S.; providing an additional requirement for viatical settlement provider license applications; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical

settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; providing an additional ground for the office to take adverse actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers and life agents; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; creating s. 626.99175, F.S.; requiring registration to operate as a life expectancy provider; providing registration for requirements; requiring certain application information; requiring registered life expectancy providers to periodically file audits with the office; providing audit requirements; authorizing certain subsidiaries of life expectancy providers to operate as a provider under certain circumstances; prohibiting certain providers, brokers, and agents from owning or being an officer, director, or employee of a life expectancy provider; requiring providers to provide the office with advance notice of certain changes; requiring providers to retain copies of certain information and documents; providing an exception; providing procedures for approval or denial of applications; specifying grounds for denial of an application; authorizing the office to assess administrative fines under certain circumstances; authorizing the office to place a provider on probation for a certain period; specifying certain activities violations; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising prohibited practices to apply to issuing life expectancies and change a viator's residency for certain purposes; providing a criminal penalty; amending s. 626.99278, F.S.; providing for application to registered life expectancy providers; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

—was read the second time by title.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 747331)

Amendment 1—Remove line(s) 173-174 and insert:
viatical settlement provider, a related provider trust, a financing entity, or a special purpose entity, as those terms are defined in s. 626.9911, or

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

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 726135)

Amendment 2—Remove line 538 and insert:

or financing entity. A special purpose entity may not obtain capital from any natural person or entity with less than $50 million in assets and shall not enter

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

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 277951)

Amendment 3—Remove line(s) 682 and insert:
calendar year. However, if the audited financial statement has not been completed, the licensee shall include in its annual statement an unaudited financial statement and an affidavit from an officer of the licensee stating that the audit has not been completed. In this event, the licensee shall submit the audited statement on or before June 1. The annual statement shall also provide the

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

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

Representative(s) Hasner offered the following:

(Amendment Bar Code: 438343)

Amendment 4—Remove lines 935 through 937 and insert:

(g) A general description of the policies and procedures covering all life expectancy determinations criteria and protocols, including only the following:

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

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 960651)

Amendment 5 (with title amendment)—Remove lines 1265 through 1270, and insert:

(5) For viatical settlement providers, a description of the procedures used to perform initial and continuing review of the accuracy of life expectancies utilized in connection with a viatical settlement contract or viatical settlement investment.

Remove line 93 and insert:

include a description of procedures used to perform life expectancy accuracy reviews;

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

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

Section II. Consent Calendar

Rep. Brown suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 262].

HB 341—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating ch. 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels; providing definitions; conforming provisions to changes made by the act; providing for attorney's fees to be awarded to the prevailing party for a frivolous claim of wrongful taking or claim of lien; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care or for complying with the directions of a law enforcement officer; providing for the owner of a vehicle or vessel to dispute a claim of lien by a wrecker company based on a record of sale; clarifying that the amendments made by the act do not affect the validity of prior liens; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 713.69, F.S., relating to circumstances in which it is unlawful to remove property upon which a lien has accrued, to conform; amending s. 715.07, F.S., relating to the towing of vehicles and vessels parked on real property without permission; providing definitions; providing for the towing and removal of vehicles and vessels under certain circumstances; conforming provisions to changes made by the act; providing requirements for towing and storage; prohibiting a property owner from soliciting a wrecker company for a rebate for the privilege of removing vehicles from the owner's property; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

The Agriculture & Environment Appropriations Committee recommended the following:

HB 341 CS—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an

unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating ch. 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels; providing definitions; conforming provisions to changes made by the act; providing for attorney's fees to be awarded to the prevailing party for a frivolous claim of wrongful taking or claim of lien; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care or for complying with the directions of a law enforcement officer; providing for the owner of a vehicle or vessel to dispute a claim of lien by a wrecker company based on a record of sale; clarifying that the amendments made by the act do not affect the validity of prior liens; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 715.07, F.S., relating to the towing of vehicles and vessels parked on real property without permission; providing definitions; providing for the towing and removal of vehicles and vessels under certain circumstances; conforming provisions to changes made by the act; providing requirements for towing and storage; prohibiting a property owner from soliciting a wrecker company for a rebate for the privilege of removing vehicles from the owner's property; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

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

Session Vote Sequence: 263

Speaker Bense in the Chair.

Yeas—115

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Ross
Yeas to Nays—Kendrick
Nays to Yeas—Kendrick

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

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a

speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

The Justice Appropriations Committee recommended the following:

HB 285 CS—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

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

Session Vote Sequence: 264

Speaker Bense in the Chair.

Yeas—113

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

Nays—1

Roberson

Votes after roll call:
Yeas—Bean, D. Davis, Kendrick

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

HB 193—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 193 CS—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

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

Session Vote Sequence: 265

Speaker Bense in the Chair.

Yeas—115

Adams	Bean	Bucher	Detert
Allen	Bendross-Mindingall	Bullard	Domino
Altman	Bense	Cannon	Evers
Ambler	Benson	Carroll	Farkas
Anderson	Berfield	Clarke	Fields
Antone	Bilirakis	Cretul	Flores
Arza	Bogdanoff	Culp	Galvano
Attkisson	Bowen	Cusack	Gannon
Ausley	Brandenburg	Davis, D.	Garcia
Barreiro	Brown	Davis, M.	Gardiner
Baxley	Brummer	Dean	Gelber

Gibson, A.	Jordan	Needelman	Russell
Gibson, H.	Joyner	Negron	Ryan
Glorioso	Justice	Patterson	Sands
Goldstein	Kottkamp	Peterman	Sansom
Goodlette	Kravitz	Pickens	Seiler
Gottlieb	Kreegel	Planas	Simmons
Grant	Kyle	Poppell	Slosberg
Greenstein	Legg	Porth	Sobel
Grimsley	Littlefield	Proctor	Stansel
Harrell	Llorente	Quinones	Stargel
Hasner	Lopez-Cantera	Reagan	Taylor
Hays	Machek	Rice	Traviesa
Henriquez	Mahon	Richardson	Troutman
Holloway	Mayfield	Rivera	Vana
Homan	McInvale	Robaina	Waters
Hukill	Meadows	Roberson	Williams
Jennings	Mealor	Ross	Zapata
Johnson	Murzin	Rubio	

Nays—1

Smith

Votes after roll call:
Yeas—Kendrick

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

HB 111—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; providing that an application or endorsement may not be admitted into evidence or construed as an admission of liability; providing an effective date.

The Justice Council recommended the following:

HB 111 CS—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

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

Session Vote Sequence: 266

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Robaina

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

HB 435—A bill to be entitled An act relating to motor vehicle, mobile home, and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and increasing the fee for replacement of registration license plates; extending period of validity of license plates and validation stickers to provide for extended registration period; amending s. 320.07, F.S.; authorizing the biennial renewal of certain motor vehicle registration; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; providing an effective date.

The Transportation Committee recommended the following:

HB 435 CS—A bill to be entitled An act relating to motor vehicle, mobile home, and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and increasing the fee for replacement of registration license plates; extending period of validity of license plates and validation stickers to provide for extended registration period; amending s. 320.07,

F.S.; authorizing the biennial renewal of certain motor vehicle registration upon payment of cumulative sum of license taxes, service charges, surcharges, and other fees; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; 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: 267

Speaker Bense in the Chair.

Yeas—114

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

Nays—None

Votes after roll call:
Yeas—Dean, Kendrick, Robaina

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

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; deleting a provision that requires a digital-media-effects company to be certified by the Office of Film and Entertainment in order to submit an application for qualification for receipt of reimbursement; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

The Tourism Committee recommended the following:

HB 1129 CS—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

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

Session Vote Sequence: 268

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Robaina

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

On motion by Rep. Kottkamp, consideration of **HB 1691** was temporarily postponed.

HB 1525—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 1525 CS—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; providing definitions; authorizing the department to make rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; providing an effective date.

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

Session Vote Sequence: 269

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Sobel

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

HB 467—A bill to be entitled An act relating to assisted care communities; transferring provisions relating to assisted living facilities from pt. III of ch. 400, F.S., to ch. 429, F.S.; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

The Health & Families Council recommended the following:

HB 467 CS—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., entitled "Assisted Care Communities," and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.552, 400.555, 400.556, 400.557, 400.5572, 400.601, 400.618, 400.6194, 400.621, 400.628, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.221, 409.907, 410.031, 410.034, 415.1111, 419.001, 430.601,

430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

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

Session Vote Sequence: 270

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; limiting a licensing requirement for a communications equipment retail vendor license; revising certain application and licensing requirements for certain entities; requiring certain fees; providing construction relating to criminal liability or disciplinary proceedings; amending s. 626.471, F.S.; increasing a period of notification of intent to terminate an appointment; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; providing an effective date.

The Commerce Council recommended the following:

HB 501 CS—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

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

Session Vote Sequence: 271

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 527—A bill to be entitled An act relating to road designations; designating Taye Brown Avenue in Duval County; directing the Department of Transportation to erect suitable markers; providing an effective date.

The State Infrastructure Council recommended the following:

HB 527 CS—A bill to be entitled An act relating to road designations; designating Taye Brown Avenue, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Trooper Darryl Haywood Highway, Charles W. Cherry, Sr., Parkway, David Hinson Parkway, and Officer Robert F. Grim, Sr., Parkway in Volusia County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Ralph C. Carter Parkway in Washington County; designating Henry Koerber Parkway in Walton County; directing the Department of Transportation to erect suitable markers; 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: 272

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 871—A bill to be entitled An act relating to investment of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to invest state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to invest local government funds; providing an effective date.

The Economic Development, Trade & Banking Committee recommended the following:

HB 871 CS—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

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

Session Vote Sequence: 273

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

Senate after engrossment.

HB 1063—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility; abrogating the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing effective dates.

The Commerce Council recommended the following:

HB 1063 CS—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing effective dates.

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

Session Vote Sequence: 274

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

The Health Care General Committee recommended the following:

HB 1081 CS—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.;

revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

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

Session Vote Sequence: 275

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as "Florida Greenways and Trails"; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.0125, F.S.; conforming cross references; requiring a private landowner's written authorization to the Department of Environmental Protection for public access to private land that has been designated part of the state's trail system; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; deleting provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; amending eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for appraisal of certain property by the department; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; conforming cross references; amending s. 260.018, F.S.; conforming a cross reference; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; providing for a report to the Governor and Legislature by a specified date providing the names and locations of each trail segment pursuant to such review; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation; providing purposes of the program; requiring the department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; providing a definition; authorizing certain corporations to designate certain replacement members on the board of directors of Florida Mining-Recreation, Inc.; requiring Florida Mining-Recreation, Inc., to submit a report to the Department of Environmental Protection and conduct an audit at the request of the Secretary of Environmental Protection; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

The State Resources Council recommended the following:

HB 1141 CS—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the "Florida Greenways and Trails Act"; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water

management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; 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: 276

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Russell

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

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

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

Session Vote Sequence: 277

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically defined by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

The State Resources Council recommended the following:

HB 1395 CS—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

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

Session Vote Sequence: 278

Speaker Bense in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kendrick, Kreegel

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

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; providing an effective date.

The Business Regulation Committee recommended the following:

HB 1417 CS—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was read the second time by title. On motion by Rep. Murzin, the rules were waived and the bill was read the third time by title.

On motion by Rep. Murzin, further consideration of **HB 1417** was temporarily postponed.

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the departments authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; providing requirements for requesting or printing claim forms; specifying prohibited activities; providing a criminal penalty; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.1341, F.S.; clarifying a prohibition against filing claims for unclaimed property; amending s. 717.135, F.S.; revising requirements for agreements to recover property; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; creating s. 717.1381, F.S.; specifying certain agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

The Commerce Council recommended the following:

HB 1527 CS—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of

Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rulemaking authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

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

Session Vote Sequence: 279

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a) and 905.34(3), F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in a reference thereto; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 1693 CS—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

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

Session Vote Sequence: 280

Speaker Bense in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

HB 919—A bill to be entitled An act relating to the child support guidelines; amending s. 61.30, F.S.; creating a rebuttable presumption that a parent is able to earn minimum wage, as set by the United States Department of Labor; providing for the parent to present his or her rebuttal before a trier of fact; providing an effective date.

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

Session Vote Sequence: 281

Speaker Bense in the Chair.

Yeas—115

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

Nays—2

Gannon Joyner

Votes after roll call:
Yeas—Kendrick

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

Motion to Reconsider HB 341

Rep. Goodlette moved that the House reconsider the vote by which **HB 341**, as amended, passed earlier today, which was agreed to. On further motion by Rep. Goodlette, the House agreed to move HB 341 to the end of the Special Order Calendar.

HB 1417 CS—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was taken up, having been read the third time earlier today; now pending roll call.

The question recurred on the passage of HB 1417. The vote was:

Session Vote Sequence: 282

Speaker Bense in the Chair.

Yeas—115

Adams	Ambler	Arza	Barreiro
Allen	Anderson	Attkisson	Baxley
Altman	Antone	Ausley	Bean

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

Nays—None

Votes after roll call:
Yeas—Kendrick

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

Section III.

HB 333—A bill to be entitled An act relating to the regulation of portable restroom contracting; creating s. 381.0069, F.S.; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor; authorizing issuance of citations; providing an effective date.

The Health Care Regulation Committee recommended the following:

HB 333 CS—A bill to be entitled An act relating to the regulation of portable restroom contracting; creating s. 381.0069, F.S.; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor; authorizing issuance of citations; providing an effective date.

—was read the second time by title.

Representative(s) Bowen offered the following:

(Amendment Bar Code: 942919)

Amendment 1—Remove line(s) 103-104 and insert:
4. Have at least 3 years of active experience serving as a skilled worker under the supervision and

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

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

HB 869—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; requiring reports to the Governor and Legislature; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 869 CS—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Representative Sobel offered the following:

(Amendment Bar Code: 075933)

Amendment 1 (with directory and title amendments)—Remove lines 34 and 35 and insert:
Section 1. This act may be cited as the "Crohn's and Colitis Disease Research Act."

Remove lines 7 and 8 and insert:
An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the

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

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

HB 21—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary

education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; providing for the redirection of funds to provide additional need-based financial assistance to students classified as residents for tuition purposes; requiring annual state university and community college reporting; providing an effective date.

The Education Appropriations Committee recommended the following:

HB 21 CS—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; defining the term "eligible Florida resident"; providing for the redirection of funds to provide additional need-based financial assistance to eligible Florida residents; requiring a report by state universities and community colleges; providing an effective date.

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

HB 89—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.

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing for licensure of persons providing home inspection services; providing legislative intent and definitions; providing standards of practice; creating the Florida Home Inspection Advisory Council; providing licensure requirements, including grandfathering provisions; providing exemptions; providing prohibited acts and penalties; providing for complaints and discipline; providing fees; requiring liability insurance; exempting from duty to provide repair cost estimates; providing for reciprocity; providing continuing education requirements; providing limitations; providing for enforcement of violations; providing an appropriation and authorizing positions; providing an effective date.

The Commerce Council recommended the following:

HB 315 CS—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—was read the second time by title.

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

Representative Allen offered the following:

(Amendment Bar Code: 516243)

Amendment 1—Remove lines 41-51 and insert:
requires a passing score on a valid examination in home inspections which is not less than 80 hours and which includes, but is not limited to, each of the following components of a home: structure, electrical system, roof covering, plumbing system, interior components, exterior components, site conditions that affect the structure, and heating, ventilation, and cooling systems.

2. Completes 8 hours of continuing education related to home inspections annually.

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

Representative Ross offered the following:

(Amendment Bar Code: 931061)

Amendment 2—Remove line 97 and insert:
chapter 626, or any person performing insurance underwriting duties.

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

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

Representative Allen offered the following:

(Amendment Bar Code: 529511)

Amendment 3—Between lines 103 and 104 insert:
(m) A mobile home manufacturer, dealer, or installer regulated or licensed pursuant to the requirements of chapter 320 and any employees or agents of the manufacturer, dealer, or installer.

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

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

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; clarifying the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the public records exemption to include information received from a person in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 449 CS—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

HB 609—A bill to be entitled An act relating to traffic safety; amending s. 316.2015, F.S.; removing an exception to prohibition of persons riding on the exterior of a passenger vehicle; revising exceptions to prohibition of persons riding on any vehicle on an area of the vehicle not designed or intended for the use of passengers; prohibiting operator from allowing certain minors to ride within the open body of a pickup truck or flatbed truck; providing exceptions; providing penalties; amending s. 316.008, F.S.; providing for counties and municipalities to allow, by ordinance, for persons to ride on the bed of a pickup truck or flatbed truck; providing an effective date.

The Local Government Council recommended the following:

HB 609 CS—A bill to be entitled An act relating to traffic safety; amending s. 316.2015, F.S.; removing an exception to prohibition of persons riding on the exterior of a passenger vehicle; revising exceptions to prohibition of persons riding on any area of a vehicle not designed or intended for the use of passengers; prohibiting operator from allowing certain minors to ride within the open body of a pickup truck or flatbed truck while traveling on certain facilities; providing exceptions; providing penalties; amending s. 316.008, F.S.; providing for counties and municipalities to allow, by ordinance, for persons to ride on the bed of a pickup truck or flatbed truck; providing an effective date.

—was read the second time by title.

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

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

Representative(s) Hukill offered the following:

(Amendment Bar Code: 639807)

Amendment 1 (with title amendment)—Remove line(s) 44-76 and insert:
authority of a public agency;

3. An employee of a solid waste or recyclable collection service while in the course of employment collecting solid waste or recyclables on designated routes; or ~~This provision shall not apply to an employee engaged in the necessary discharge of a duty or to~~

4. A person or persons riding within truck bodies in space intended for merchandise.

(b) It is unlawful for any operator of a pickup truck or flatbed truck to permit a minor child who has not attained 18 years of age to ride upon limited access facilities of the state within the open body of the pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck which has been modified to include secure seating and safety restraints that would prevent the minor from being thrown, falling, or jumping from the truck. This paragraph does not apply in a medical emergency if the child is accompanied within the truck by an adult. A county is exempt from this paragraph if the governing body of the county, by majority vote, following a duly noticed public hearing, votes to exempt the county from this paragraph.

(c) Any person who violates ~~the provisions of~~ this subsection shall be cited for a nonmoving violation, punishable as provided in chapter 318.

(3) This section shall not apply to a performer engaged in a professional exhibition or person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

Remove line(s) 14-17 and insert:
providing exceptions; providing penalties; providing an effective

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

Representative(s) Galvano offered the following:

(Amendment Bar Code: 882789)

Amendment 2 (with title amendment)—Remove line(s) 53-62 and insert:
years of age to ride upon any street or highway which is maintained by the state, a county, or a municipality within the open body of the pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck which has been modified to include secure seating and safety restraints which would prevent the minor from being thrown, falling, or jumping from the truck. This paragraph shall not apply in a medical emergency if the child is accompanied within the truck by an adult and shall not apply when the truck is being operated on a rural road or on a farm or off the public roads of the state.

Remove line(s) 13 and insert:
flatbed truck while traveling on any street or highway;

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

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

Representative(s) Slosberg offered the following:

(Amendment Bar Code: 354875)

Amendment 3 (with title amendment)—Between line(s) 76 and 77, insert:

Section 2. Subsections (4) and (8) of section 316.614, Florida Statutes, are amended, present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

316.614 Safety belt usage.--

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. However, except for violations of s. 316.613 and paragraph (4)(a), enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.

(9) By January 1, 2006, each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law

enforcement agencies, and state university law enforcement agencies.

Remove line(s) 17-18 and insert:
a pickup truck or flatbed truck; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

Rep. Slosberg moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 283

Speaker Bense in the Chair.

Yeas—85

Adams	Detert	Hukill	Rice
Allen	Farkas	Jennings	Rivera
Altman	Fields	Jordan	Robaina
Ambler	Flores	Justice	Roberson
Anderson	Galvano	Kreegel	Rubio
Antone	Gannon	Littlefield	Russell
Arza	Garcia	Lopez-Cantera	Sands
Attkisson	Gardiner	Machek	Sansom
Baxley	Gelber	Mahon	Seiler
Bendross-Mindingall	Gibson, A.	Mayfield	Slosberg
Bense	Glorioso	McInvale	Smith
Benson	Goldstein	Meadows	Sobel
Bilirakis	Goodlette	Mealor	Stargel
Bogdanoff	Gottlieb	Needelman	Taylor
Bowen	Grant	Patterson	Traviesa
Brandenburg	Greenstein	Peterman	Vana
Cannon	Harrell	Pickens	Waters
Carroll	Hasner	Planas	Williams
Cretul	Hays	Porth	Zapata
Culp	Henriquez	Proctor	
Cusack	Holloway	Quinones	
Davis, D.	Homan	Reagan	

Nays—23

Barreiro	Clarke	Kendrick	Ross
Bean	Dean	Kottkamp	Simmons
Brown	Evers	Legg	Sorensen
Brummer	Gibson, H.	Llorente	Stansel
Bucher	Grimsley	Murzin	Troutman
Bullard	Johnson	Negron	

Votes after roll call:
Yeas—Ausley, M. Davis, Domino, Richardson
Nays—Joyner
Nays to Yeas—Simmons

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

HB 1717—A bill to be entitled An act relating to agriculture; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; amending s. 502.014, F.S.; deleting a duty of the Department of Agriculture and Consumer Services relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a reference; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; providing requirements relating to the denial of a request for a burn permit; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its salvage value for purposes of ad valorem taxation; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing an effective date.

The State Resources Council recommended the following:

HB 1717 CS—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending s. 212.02, F.S.; revising definitions relating to farm equipment; amending s. 212.08, F.S.; conforming terminology; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.;

updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its salvage value for purposes of ad valorem taxation; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing severability; providing an effective date.

—was read the second time by title.

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

Representative(s) Stansel offered the following:

(Amendment Bar Code: 283059)

Amendment 1 (with title amendment)—Remove line(s) 106-166

Remove line(s) 10-12 and insert:
retroactive application; amending ss.

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

Representative(s) Stansel offered the following:

(Amendment Bar Code: 683469)

Amendment 2—Remove line(s) 442-447 and insert:
In order to ensure uniform health and safety standards, the adoption of standards and fines in the subject areas of paragraphs (a)-(n) is expressly preempted to the state and the department. Any local government enforcing the subject areas of paragraphs (a)-(n) must use the standards and fines set forth in

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

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

Representative(s) Stansel offered the following:

(Amendment Bar Code: 810429)

Amendment 3—Remove line(s) 572 and insert:
(15) "Invasive plant" means a naturalized plant

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

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

Representative(s) Stansel offered the following:

(Amendment Bar Code: 231231)

Amendment 4 (with title amendment)—Remove line(s) 785-803

Remove line(s) 83-89 and insert:
with respect to prescribed burning; providing

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

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

HB 1839—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for the restoration of impaired waters; revising provisions for the allocation of allowable pollutant loads; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads for specific purposes; providing for the development of basin management action plans; revising provisions for the implementation of total maximum daily loads; authorizing the department to adopt rules for the permitting of basin management action plans; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross references; providing an effective date.

The State Resources Council recommended the following:

HB 1839 CS—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for the restoration of impaired waters; revising provisions for the allocation of allowable pollutant loads; deleting an obsolete reporting requirement; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads for specific purposes; providing for the development of basin management action plans; revising provisions for the implementation of total

maximum daily loads; revising provisions relating to best management practices; authorizing the department to adopt rules for the permitting of basin management action plans; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

Representative(s) Clarke offered the following:

(Amendment Bar Code: 262667)

Amendment 1—Remove line 284 and insert:
provisions of this subparagraph, upon request by an NPDES

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

Representative(s) Clarke offered the following:

(Amendment Bar Code: 703739)

Amendment 2—Remove lines 457-459 and insert:
4. Where water quality problems are demonstrated despite the appropriate implementation,

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

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

On motion by Rep. Simmons, consideration of **HB 1929** was temporarily postponed.

HB 1399—A bill to be entitled An act relating to sexually transmissible disease testing and reporting; amending s. 381.004, F.S.; revising criteria for releasing preliminary HIV test results; providing that informed consent is not required to test pregnant women for HIV; amending s. 384.25, F.S.; requiring certain positive test results to be reported to the Department of Health within a specified period of time; revising provisions relating to method of reporting of test results, time period during which the reports must be made, content of reports, enforcement requirements, and followup activities and requiring the department to adopt rules therefor; deleting requirement that the department submit certain reports; amending s. 384.31, F.S.; requiring informed consent of a pregnant woman before performing a test for sexually transmitted diseases; requiring documentation if a pregnant woman declines to be tested; deleting provision limiting liability of the practitioner attending a patient who declined to be tested; providing an effective date.

—was read the second time by title.

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

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

HB 1609—A bill to be entitled An act relating to patient records; amending s. 395.3025, F.S.; requiring disclosure by a licensed facility concerning individually identifiable health information transmitted to a site outside the United States; requiring notice to and consent of the patient; providing for renewal and revocation of consent; providing for a consent form and contents thereof; prohibiting discrimination based on refusal to grant consent; providing an effective date.

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

HB 517—A bill to be entitled An act relating to university campus master plans and campus development agreements; amending s. 1013.30, F.S.; revising items that must be identified in a campus master plan; revising method for submission of a draft master plan for review; providing additional hearing requirements; providing requirements for the filing of a petition by an individual; revising provisions relating to mediation of issues in dispute; providing requirements for the signing of a pleading, motion, or other paper; providing for sanctions; requiring the adoption of rules by university boards of trustees; providing an effective date.

The State Infrastructure Council recommended the following:

HB 517 CS—A bill to be entitled An act relating to university campus master plans and campus development agreements; amending s. 1013.30, F.S.; requiring maintenance of a copy of a campus master plan on the university's website; requiring a master plan to identify the general location of structures; revising method for submission of a draft master plan for review; revising the review period for draft master plans; providing additional hearing requirements; providing requirements for the filing of a petition by an individual; revising provisions relating to mediation of issues in dispute; providing requirements for the signing of a pleading, motion, or other paper; providing for sanctions; requiring the adoption of rules by university boards of trustees; providing an effective date.

—was read the second time by title.

Representative(s) Cannon offered the following:

(Amendment Bar Code: 673873)

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

Section 1. Section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.--

(1) This section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities and services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements.

(2) As used in this section:

(a) "Affected local government" means a unit of local government that provides public services to or is responsible for maintaining facilities within a campus of an institution or is directly affected by development that is proposed for a campus.

(b) "Affected person" means a host local government; an affected local government; any state, regional, or federal agency; or a person who resides, owns property, or owns or operates a business within the boundaries of a host local government or affected local government. In order to qualify under this definition, each person, other than a host or

affected local government, must have submitted oral or written comments, recommendations, or objections to the university during the period of time beginning with the advertisement of the first public hearing under subsection (6) and ending with the adoption of the campus master plan or plan amendment. If the plan or plan amendment is amended at the adoption hearing, the time period shall be extended by 7 calendar days. However, any comments, recommendations, or objections filed during the extension must be limited to those amendments adopted at the adoption hearing.

(c) "Host local government" means a local government within the jurisdiction of which all or part of a campus of an institution is located, but does not include a county if no part of an institution is located within its unincorporated area.

(d) "Institution" means a university.

(e) Division" means the Division of Administrative Hearings.

(3) Each university board of trustees shall prepare and adopt a campus master plan for the university and maintain a copy of the plan on the university's website. The master plan must identify general land uses and address the need for and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years. The plans must contain elements relating to future land use, intergovernmental coordination, capital improvements, recreation and open space, general infrastructure, housing, and conservation. Each element must address compatibility with the surrounding community. The master plan must identify specific land uses, general location of structures, densities and intensities of use, and contain standards for onsite development, site design, environmental management, and the preservation of historic and archaeological resources. The transportation element must address reasonable transportation demand management techniques to minimize offsite impacts where possible. Data and analyses on which the elements are based must include, at a minimum: the characteristics of vacant lands; projected impacts of development on onsite and offsite infrastructure, public services, and natural resources; student enrollment projections; student housing needs; and the need for academic and support facilities. Master plans must be updated at least every 5 years.

(4) Campus master plans may contain additional elements at the discretion of the State Board of Education; however, such elements are not subject to review under this section. These additional elements may include the academic mission of the institution, academic program, utilities, public safety, architectural design, landscape architectural design, and facilities maintenance.

(5) Subject to the right of the university board of trustees to initiate the dispute resolution provisions of subsection (8), a campus master plan must not be in conflict with the comprehensive plan of the host local government and the comprehensive plan of any affected local governments. A campus master plan must be consistent with the state comprehensive plan.

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments, and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

(7) Notice that the campus master plan has been adopted must be forwarded within 45 days after its adoption to any affected person that submitted comments on the draft campus master plan. The notice must state how and where a copy of the master plan may be obtained or inspected. Within 30 days after receipt of the notice of adoption of the campus master plan, or 30 days after the date the adopted plan is available for review, whichever is later, an affected person who submitted comments on the draft master plan may petition the university board of trustees, challenging the campus master plan as not being in compliance with this section or any rule adopted under this section. The petition must state each objection, identify its source, and provide a recommended action. A petition filed by an affected local government may raise only those issues directly pertaining to the public facilities or services that the affected local government provides to or maintains within the campus or to the direct impact that campus development would have on the affected local government. A petition filed by an affected person must include those items required by the uniform rules adopted under s. 120.54(5). Any affected person who files a petition under this subsection may challenge only those provisions in the plan that were raised by that person's oral or written comments, recommendations, or objections presented to the university board of trustees, as required by s. 1013.30(1)(b). The university may, during the pendency of a challenge, negotiate a campus development agreement as provided in subsection (11).

(8) Following receipt of a petition challenging a campus master plan or plan amendment, the university board of trustees must submit the petition to the Division of Administrative Hearings of the Department of Management Services for assignment to an administrative law judge under ss. 120.569 and 120.57.

(a) If a party to the proceeding requests mediation, the parties have no more than 30 days to resolve any issue in dispute. The costs of the mediation must be borne equally by all of the parties to the proceeding.

(b) If the matter is not resolved within 30 days, the administrative law judge shall proceed with a hearing under ss. 120.569 and 120.57. The hearing shall be held in the county where the campus of the university subject to the amendment is located. Within 60 days after receiving the petition, the administrative law judge must, consistent with the applicable requirements and procedures of the Administrative Procedure Act, hold a hearing, identify the issues remaining in dispute, prepare a record of the proceedings, and submit a recommended order to the state land planning agency for final action. Parties to the proceeding may submit written exceptions to the recommended order within 10 days after the recommended order is issued. The state land planning agency must issue its final order no later than 60 days after receiving the recommended order.

~~(8) Following receipt of a petition, the petitioning party or parties and the university board of trustees shall mediate the issues in dispute as follows:~~

~~(a) The parties have 60 days to resolve the issues in dispute. Other affected parties that submitted comments on the draft campus master plan must be given the opportunity to participate in these and subsequent proceedings.~~

~~(b) If resolution of the matter cannot be achieved within 60 days, the issues must be submitted to the state land planning agency. The state land planning agency has 60 days to hold informal hearings, if necessary, identify the issues remaining in dispute, prepare a record of the proceedings, and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify~~

~~alternative resolutions of the dispute, and make recommendations.~~

(c) ~~After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that specifically requires the university board of trustees or a local government to amend or modify its plan, the university board of trustees shall have a reasonable period of time to amend or modify its plan, and a local government shall initiate the required plan amendment, which shall be exempt from the requirements of s. 163.3187(1). Any required amendment to a local government comprehensive plan must be limited in scope so as to only relate to specific impacts attributable to the campus development.~~ The final order of the state land planning agency ~~Administration Commission~~ is subject to judicial review as provided in s. 120.68.

(d) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, frivolous purposes, or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the division, upon motion or its own initiative, shall impose upon either the person who signed it or a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees.

(9) An amendment to a campus master plan must be reviewed and adopted under subsections (6)-(8) if such amendment, alone or in conjunction with other amendments, would:

(a) Increase density or intensity of use of land on the campus by more than 10 percent;

(b) Decrease the amount of natural areas, open space, or buffers on the campus by more than 10 percent; or

(c) Rearrange land uses in a manner that will increase the impact of any proposed campus development by more than 10 percent on a road or on another public facility or service provided or maintained by the state, the county, the host local government, or any affected local government.

(10) Upon adoption of a campus master plan, the university board of trustees shall draft a proposed campus development agreement for each local government and send it to the local government within 270 days after the adoption of the relevant campus master plan.

(11) At a minimum, each campus development agreement:

(a) Must identify the geographic area of the campus and local government covered by the campus development agreement.

(b) Must establish its duration, which must be at least 5 years and not more than 10 years.

(c) Must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation.

(d) Must, for each of the facilities and services listed in paragraph (c), identify the level-of-service standard established by the applicable local government, identify the entity that will provide the service to the campus, and describe any financial arrangements between the State Board of Education and other entities relating to the provision of the facility or service.

(e) Must, for each of the facilities and services listed in paragraph (c), determine the impact of existing and proposed campus development reasonably expected over the term of the campus development agreement on each service or facility and any deficiencies in such service or facility which the proposed campus development will create or to which it will contribute.

(f) May, if proposed by the university board of trustees, address the issues prescribed in paragraphs (d) and (e) with regard to additional facilities and services, including, but not limited to, electricity, nonpotable water, law enforcement, fire and emergency rescue, gas, and telephone.

(g) Must, to the extent it addresses issues addressed in the campus master plan and host local government comprehensive plan, be consistent with the adopted campus master plan and host local government comprehensive plan.

(12)(a) Each proposed campus development agreement must clearly identify the lands to which the university board of trustees intends the campus development agreement to apply.

(b) Such land may include:

1. Land to be purchased by the university board of trustees and if purchased with state appropriated funds titled in the name of the board of trustees of the Internal Improvement Trust Fund for use by an institution over the life of the campus development agreement.

2. Land not owned by the board of trustees of the Internal Improvement Trust Fund if the university board of trustees intends to undertake development activities on the land during the term of the campus development agreement.

(c) Land owned by the Board of Trustees of the Internal Improvement Trust Fund for lease to the State Board of Education acting on behalf of the institution may be excluded, but any development activity undertaken on excluded land is subject to part II of chapter 163.

(13) With regard to the impact of campus development on the facilities and services listed in paragraph (11)(c), the following applies:

(a) All improvements to facilities or services which are necessary to eliminate the deficiencies identified in paragraph (11)(e) must be specifically listed in the campus development agreement.

(b) The university board of trustees' fair share of the cost of the measures identified in paragraph (a) must be stated in the campus development agreement. In determining the fair share, the effect of any demand management techniques, which may include such techniques as flexible work hours and carpooling, that are used by the State Board of Education to minimize the offsite impacts shall be considered.

(c) The university board of trustees is responsible for paying the fair share identified in paragraph (b), and it may do so by:

1. Paying a fair share of each of the improvements identified in paragraph (a); or

2. Taking on full responsibility for the improvements, selected from the list of improvements identified in paragraph (a), and agreed to between the host local government and the State Board of Education, the total cost of which equals the contribution identified in paragraph (b).

(d) All concurrency management responsibilities of the university board of trustees are fulfilled if the university board of trustees expends the total amount of funds identified in paragraph (b) notwithstanding that the university board of trustees may not have undertaken or made contributions to some of the measures identified in paragraph (a).

(e) Capital projects included in the campus development agreement may be used by the local government for the concurrency management purposes.

(f) Funds provided by universities in accordance with campus development agreements are subject to appropriation by the Legislature. A development authorized by a campus development agreement may not be built until the funds to be provided pursuant to paragraph (b) are appropriated by the Legislature.

(14) A campus development agreement may not address or include any standards or requirements for onsite development, including environmental management requirements or requirements for site preparation.

(15) Once the university board of trustees and host local government agree on the provisions of the campus development agreement, the campus development agreement shall be executed by the university board of trustees and the host local government in a manner consistent with the requirements of s. 163.3225. Once the campus development agreement is

executed, it is binding upon the university board of trustees and host local government. A copy of the executed campus development agreement must be sent to the state land planning agency within 14 days after the date of execution.

(16) If, within 180 days following the host local government's receipt of the proposed campus development agreement, the university board of trustees and host local government cannot reach agreement on the provisions of the campus development agreement, the following procedures for resolving the matter must be followed:

(a) The matter must be submitted to the state land planning agency, which has 60 days to hold informal hearings, if necessary~~, and identify the issues remaining in dispute, prepare a record of the proceedings, and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of each dispute, and make recommendations~~.

(b) ~~After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute.~~ In deciding upon a proper resolution, the state land planning agency ~~Administration Commission~~ shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. In resolving the matter, the state land planning agency ~~Administration Commission~~ may prescribe, by order, the contents of the campus development agreement.

(17) Disputes that arise in the implementation of an executed campus development agreement must be resolved as follows:

(a) Each party shall select one mediator and notify the other in writing of the selection. Thereafter, within 15 days after their selection, the two mediators selected by the parties shall select a neutral, third mediator to complete the mediation panel.

(b) Each party is responsible for all costs and fees payable to the mediator selected by it and shall equally bear responsibility for the costs and fees payable to the third mediator for services rendered and costs expended in connection with resolving disputes pursuant to the campus development agreement.

(c) Within 10 days after the selection of the mediation panel, proceedings must be convened by the panel to resolve the issues in dispute.

(d) Within 60 days after the convening of the panel, the panel shall issue a report containing a recommended resolution of the issues in dispute.

(e) If either the university board of trustees or local government rejects the recommended resolution of the issues in dispute, the disputed issues must be resolved pursuant to the procedures provided by subsection (16).

(18) Once the campus development agreement is executed, all campus development may proceed without further review by the host local government if it is consistent with the adopted campus master plan and associated campus development agreement.

(19) A campus development agreement may be amended under subsections (10)-(16):

(a) In conjunction with any amendment to the campus master plan subject to the requirements in subsection (9).

(b) If either party delays by more than 12 months the construction of a capital improvement identified in the agreement.

(20) Any party to a campus development agreement or aggrieved or adversely affected person, as defined in s. 163.3215(2), may file an action for injunctive relief in the circuit court where the host local government is located to enforce the terms of a campus development agreement or to challenge compliance of the agreement with this section. This action shall be the sole and exclusive remedy of an adversely affected person other than a party to the agreement to enforce any rights or obligations arising from a development agreement.

(21) State and regional environmental program requirements remain applicable, except that this section supersedes all other sections of part II of chapter 163 and s. 380.06 except as provided in this section.

(22) In consultation with the state land planning agency, the Board of Governors ~~State Board of Education~~ shall adopt a single, uniform set of rules to administer ~~implementing~~ subsections (3)-(6). The rules must set specific schedules and procedures for the development and adoption of campus master plans. Before adopting the rules, the Board of Governors must obtain written verification from the state land planning agency that the rules satisfy the minimum statutory criteria required by subsections (3)-(6). The state land planning agency shall provide the verification within 45 days after receiving a copy of the rules.

(23) Until the campus master plan and campus development agreement for an institution have been finalized, any dispute between the university board of trustees and a local government relating to campus development for that institution shall be resolved by the process established in subsection (8).

Section 2. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

Rep. Cannon moved the adoption of the amendment.

Representative(s) Cannon offered the following:

(Amendment Bar Code: 667407)

Amendment 1 to Amendment 1 (with title amendment)—Remove line(s) 79-309 and insert:

the discretion of the Board of Governors ~~State Board of Education~~; however, such elements are not subject to review under this section. These additional elements may include the academic mission of the institution, academic program, utilities, public safety, architectural design, landscape architectural design, and facilities maintenance.

(5) Subject to the right of the university board of trustees to initiate the dispute resolution provisions of subsection (8), a campus master plan must not be in conflict with the comprehensive plan of the host local government and the comprehensive plan of any affected local governments. A campus master plan must be consistent with the state comprehensive plan.

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife

Conservation Commission, and the applicable water management district and regional planning council. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments~~,~~ and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

(7) Notice that the campus master plan has been adopted must be forwarded within 45 days after its adoption to any affected person that submitted comments on the draft campus master plan. The notice must state how and where a copy of the master plan may be obtained or inspected. Within 30 days after receipt of the notice of adoption of the campus master plan, or 30 days after the date the adopted plan is available for review, whichever is later, an affected person who submitted comments on the draft master plan may petition the university board of trustees, challenging the campus master plan as not being in compliance with this section or any rule adopted under this section. The petition must state each objection, identify its source, and provide a recommended action. A petition filed by an affected local government may raise only those issues directly pertaining to the public facilities or services that the affected local government provides to or maintains within the campus or to the direct impact that campus development would have on the affected local government. A petition filed by an affected person must include those items required by the uniform rules adopted under s. 120.54(5). Any affected person who files a petition under this subsection may challenge only those provisions in the plan that were raised by that person's oral or written comments, recommendations, or objections presented to the university board of trustees, as required by s. 1013.30(1)(b). The university may, during the pendency of a challenge, negotiate a campus development agreement as provided in subsection (11).

(8) Following receipt of a petition challenging a campus master plan or plan amendment, the university board of trustees must submit the petition to the Division of Administrative Hearings of the Department of Management Services for assignment to an administrative law judge under ss. 120.569 and 120.57.

(a) If a party to the proceeding requests mediation, the parties have no more than 30 days to resolve any issue in dispute. The costs of the mediation must be borne equally by all of the parties to the proceeding.

(b) If the matter is not resolved within 30 days, the administrative law judge shall proceed with a hearing under ss. 120.569 and 120.57. The hearing shall be held in the county where the campus of the university subject to the amendment is located. Within 60 days after receiving the petition, the administrative law judge must, consistent with the applicable requirements and procedures of the Administrative Procedure Act, hold a hearing, identify the issues remaining in dispute, prepare a record of the proceedings, and submit a recommended order to the state land planning agency for final action. Parties to the proceeding may submit written exceptions to the recommended order within 10 days after the recommended order is issued. The state land planning agency must issue its final order no later than 60 days after receiving the recommended order.

~~(8) Following receipt of a petition, the petitioning party or parties and the university board of trustees shall mediate the issues in dispute as follows:~~

~~(a) The parties have 60 days to resolve the issues in dispute. Other affected parties that submitted comments on the draft campus master plan must be given the opportunity to participate in these and subsequent proceedings.~~

~~(b) If resolution of the matter cannot be achieved within 60 days, the issues must be submitted to the state land planning agency. The state land planning agency has 60 days to hold informal hearings, if necessary, identify the issues remaining in dispute, prepare a record of the proceedings, and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of the dispute, and make recommendations.~~

(c) ~~After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that specifically requires the university board of trustees or a local government to amend or modify its plan, the university board of trustees shall have a reasonable period of time to amend or modify its plan, and a local government shall initiate the required plan amendment, which shall be exempt from the requirements of s. 163.3187(1). Any required amendment to a local government comprehensive plan must be limited in scope so as to only relate to specific impacts attributable to the campus development.~~ The final order of the state land planning agency ~~Administration Commission~~ is subject to judicial review as provided in s. 120.68.

(d) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, frivolous purposes, or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the division, upon motion or its own initiative, shall impose upon either the person who signed it or a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees.

(9) An amendment to a campus master plan must be reviewed and adopted under subsections (6)-(8) if such amendment, alone or in conjunction with other amendments, would:

(a) Increase density or intensity of use of land on the campus by more than 10 percent;

(b) Decrease the amount of natural areas, open space, or buffers on the campus by more than 10 percent; or

(c) Rearrange land uses in a manner that will increase the impact of any proposed campus development by more than 10 percent on a road or on another public facility or service provided or maintained by the state, the county, the host local government, or any affected local government.

(10) Upon adoption of a campus master plan, the university board of trustees shall draft a proposed campus development agreement for each local government and send it to the local government within 270 days after the adoption of the relevant campus master plan.

(11) At a minimum, each campus development agreement:

(a) Must identify the geographic area of the campus and local government covered by the campus development agreement.

(b) Must establish its duration, which must be at least 5 years and not more than 10 years.

(c) Must address public facilities and services including roads,

sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation.

(d) Must, for each of the facilities and services listed in paragraph (c), identify the level-of-service standard established by the applicable local government, identify the entity that will provide the service to the campus, and describe any financial arrangements between the Board of Governors ~~State Board of Education~~ and other entities relating to the provision of the facility or service.

(e) Must, for each of the facilities and services listed in paragraph (c), determine the impact of existing and proposed campus development reasonably expected over the term of the campus development agreement on each service or facility and any deficiencies in such service or facility which the proposed campus development will create or to which it will contribute.

(f) May, if proposed by the university board of trustees, address the issues prescribed in paragraphs (d) and (e) with regard to additional facilities and services, including, but not limited to, electricity, nonpotable water, law enforcement, fire and emergency rescue, gas, and telephone.

(g) Must, to the extent it addresses issues addressed in the campus master plan and host local government comprehensive plan, be consistent with the adopted campus master plan and host local government comprehensive plan.

(12)(a) Each proposed campus development agreement must clearly identify the lands to which the university board of trustees intends the campus development agreement to apply.

(b) Such land may include:

1. Land to be purchased by the university board of trustees and if purchased with state appropriated funds titled in the name of the board of trustees of the Internal Improvement Trust Fund for use by an institution over the life of the campus development agreement.

2. Land not owned by the board of trustees of the Internal Improvement Trust Fund if the university board of trustees intends to undertake development activities on the land during the term of the campus development agreement.

(c) Land owned by the Board of Trustees of the Internal Improvement Trust Fund for lease to the Board of Governors ~~State Board of Education~~ acting on behalf of the institution may be excluded, but any development activity undertaken on excluded land is subject to part II of chapter 163.

(13) With regard to the impact of campus development on the facilities and services listed in paragraph (11)(c), the following applies:

(a) All improvements to facilities or services which are necessary to eliminate the deficiencies identified in paragraph (11)(e) must be specifically listed in the campus development agreement.

(b) The university board of trustees' fair share of the cost of the measures identified in paragraph (a) must be stated in the campus development agreement. In determining the fair share, the effect of any demand management techniques, which may include such techniques as flexible work hours and carpooling, that are used by the Board of Governors ~~State Board of Education~~ to minimize the offsite impacts shall be considered.

(c) The university board of trustees is responsible for paying the fair share identified in paragraph (b), and it may do so by:

1. Paying a fair share of each of the improvements identified in paragraph (a); or

2. Taking on full responsibility for the improvements, selected from the list of improvements identified in paragraph (a), and agreed to between the host local government and the Board of Governors ~~State Board of Education~~, the total cost of which equals the

Remove line(s) 438 and insert:
electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that

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

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

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

HB 107—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; requiring a local government to approve the location of certain community residential homes; providing an effective date.

The Future of Florida's Families Committee recommended the following:

HB 107 CS—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; requiring the sponsoring agency to provide certain information to the local government; providing an effective date.

—was read the second time by title.

Representative Lopez-Cantera offered the following:

(Amendment Bar Code: 488651)

Amendment 1 (with directory and title amendments)—Between lines 16 and 17, insert:

(1) For the purposes of this section, the following definitions shall apply:

(a) "Community residential home" means a dwelling unit licensed to serve residents, as defined in paragraph (c), who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration~~,~~ which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

~~(b) "Department" means the Department of Children and Family Services.~~

(b)~~(c)~~ "Local government" means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(c)~~(d)~~ "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063; a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

(d)~~(e)~~ "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

Remove lines 14 and 15 and insert:
Section 1. Subsections (1) and (2) of section 419.001, Florida Statutes, are amended to read:

Remove line 8 and insert:
s. 419.001, F.S.; revising definitions; requiring the sponsoring agency to

Rep. Lopez-Cantera moved the adoption of the amendment, which was adopted.

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

HB 341 CS—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from

requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating ch. 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels; providing definitions; conforming provisions to changes made by the act; providing for attorney's fees to be awarded to the prevailing party for a frivolous claim of wrongful taking or claim of lien; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care or for complying with the directions of a law enforcement officer; providing for the owner of a vehicle or vessel to dispute a claim of lien by a wrecker company based on a record of sale; clarifying that the amendments made by the act do not affect the validity of prior liens; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 715.07, F.S., relating to the towing of vehicles and vessels parked on real property without permission; providing definitions; providing for the towing and removal of vehicles and vessels under certain circumstances; conforming provisions to changes made by the act; providing requirements for towing and storage; prohibiting a property owner from soliciting a wrecker company for a rebate for the privilege of removing vehicles from the owner's property; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

On motion by Rep. Robaina, the rules were waived and the House agreed to return HB 341 to second reading.

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

Representative Robaina offered the following:

(Amendment Bar Code: 875333)

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

Section 1. Effective January 1, 2006, paragraph (b) of subsection (8) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.--

(8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

(b) Wrecker companies ~~operators~~.--Notwithstanding s. 120.57(1)(a), hearings held by the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to deny, suspend, or remove a wrecker company ~~operator~~ from participating in the wrecker allocation ~~rotation~~ system established under ~~by~~ s. 321.051 need not be conducted by an administrative law judge assigned by the division. These hearings shall be held by a hearing officer appointed by the director of the Division of the Florida Highway Patrol.

Section 2. Effective January 1, 2006, section 205.1975, Florida Statutes, is created to read:

205.1975 Wrecker companies; consumer protection.--A county or municipality may not issue or renew an occupational license for the operation of a wrecker company under chapter 508 unless the wrecker company exhibits a current registration from the Department of Agriculture and Consumer Services.

Section 3. Subsection (3) of section 316.530, Florida Statutes, is amended to read:

316.530 Towing requirements.--

(3) Whenever a motor vehicle becomes disabled upon the highways of this state and a wrecker ~~or tow truck~~ is required to remove it to a repair shop or other appropriate location, if the combined weights of those two vehicles and the loads thereon exceed the maximum allowable weights as established by s. 316.535, no penalty shall be assessed either vehicle or driver. However, this exception shall not apply to the load limits for bridges and culverts established by the department as provided in s. 316.555.

Section 4. For the purpose of incorporating the amendment made by this act to section 320.01, Florida Statutes, in references thereto, subsection (4) of section 316.550, Florida Statutes, is reenacted to read:

316.550 Operations not in conformity with law; special permits.--

(4)(a) The Department of Transportation may issue a wrecker special blanket permit to authorize a wrecker as defined in s. 320.01(40) to tow a disabled vehicle as defined in s. 320.01(38) where the combination of the wrecker and the disabled vehicle being towed exceeds the maximum weight limits as established by s. 316.535.

(b) The Department of Transportation must supply the permitted wrecker with a map showing the routes on which the wrecker may safely tow disabled vehicles for all special permit classifications for which the wrecker applies.

Section 5. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.--

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors or wreckers, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle in such manner as to prevent the plates from swinging, and ~~with~~ all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and this alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. In addition, if only one registration plate is issued for a motor vehicle that is equipped with a mechanical loading device that may damage the plate, the plate may be attached to the front of the vehicle. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A government license plate that is issued to a truck tractor or heavy truck having a gross vehicle weight of 26,001 pounds or more which is owned by a governmental entity may be placed on the front of the vehicle and is in compliance with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 6. Subsection (40) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.--As used in the Florida Statutes, except as otherwise provided, the term:

(40) "Wrecker" means a tow truck or other ~~any~~ motor vehicle that is used to tow, carry, or otherwise transport ~~motor~~ vehicles or vessels upon the streets and highways of this state and that is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

Section 7. Effective January 1, 2006, subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.--

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker company's ~~operator's~~ lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 8. Section 320.0706, Florida Statutes, is amended to read:

320.0706 Display of license plates on trucks.--The owner of any commercial truck of gross vehicle weight of 26,001 pounds or more shall display the registration license plate on both the front and rear of the truck in conformance with all the requirements of s. 316.605 that do not conflict with this section. However, the owner of a truck tractor or a wrecker must ~~shall be required to~~ display the registration license plate only on the front of such vehicle.

Section 9. For the purpose of incorporating the amendment made by this act to section 320.01, Florida Statutes, in references thereto, paragraphs (d) and (e) of subsection (5) of section 320.08, Florida Statutes, are reenacted to read:

320.08 License taxes.--Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

(d) A wrecker, as defined in s. 320.01(40), which is used to tow a vessel as defined in s. 327.02(36), a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): $30 flat.

(e) A wrecker, as defined in s. 320.01(40), which is used to tow any motor vehicle, regardless of whether or not such motor vehicle is a disabled motor vehicle as defined in s. 320.01(38), a replacement motor vehicle as defined in s. 320.01(39), a vessel as defined in s. 327.02(36), or any other cargo, as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $87 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $131 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $186 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $240 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $300 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $572 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $678 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $800 flat.

9. Gross vehicle weight of 72,000 pounds or more: $979 flat.

Section 10. Subsection (1) of section 320.0821, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

320.0821 Wrecker license plates.--

(1) The department shall issue one ~~a~~ wrecker license plate, regardless of gross vehicle weight, to the owner of any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, carrier, or other similar equipment, except a motor vehicle registered under the International Registration Plan, upon application and payment of the appropriate license tax and fees in accordance with s. 320.08(5)(d) or (e).

(5) A wrecker license plate must be displayed on the front of such vehicle.

Section 11. Effective January 1, 2006, subsection (1) of section 320.0821, Florida Statutes, as amended by this act, is amended to read:

320.0821 Wrecker license plates.--

(1) The department shall issue one wrecker license plate, regardless of gross vehicle weight, to the owner of a wrecker ~~any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, carrier, or other similar equipment, except a motor vehicle registered under the International Registration Plan,~~ upon application and payment of the appropriate license tax and fees in accordance with s. 320.08(5)(d) or (e). However, the department may issue or renew a wrecker license plate only if the owner of the wrecker is a wrecker company registered under chapter 508. This section does not apply to a motor vehicle registered under the International Registration Plan.

Section 12. Paragraph (a) of subsection (1) of section 320.13, Florida Statutes, is amended to read:

320.13 Dealer and manufacturer license plates and alternative method of registration.--

(1)(a) Any licensed motor vehicle dealer and any licensed mobile home dealer may, upon payment of the license tax imposed by s. 320.08(12), secure one or more dealer license plates, which are valid for use on motor vehicles or mobile homes owned by the dealer to whom such plates are issued while the motor vehicles are in inventory and for sale, or while being operated in connection with such dealer's business, but are not valid for use for hire. Dealer license plates may not be used on any ~~tow truck or~~ wrecker as defined in s. 320.01 unless the ~~tow truck or~~ wrecker is being demonstrated for sale, and the dealer license plates may not be used on a vehicle used to transport another motor vehicle for the motor vehicle dealer.

Section 13. Effective January 1, 2006, section 321.051, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 321.051, F.S., for present text.)

321.051 Florida Highway Patrol wrecker allocation system; penalties for operation outside of system.--

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

(a) "Division" means the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles.

(b) "Authorized wrecker company" means a wrecker company designated by the division as part of its wrecker allocation system.

(c) "Unauthorized wrecker company" means a wrecker company not designated by the division as part of its wrecker allocation system.

(d) "Wrecker company" has the same meaning ascribed in s. 508.01.

(e) "Wrecker operator" has the same meaning ascribed in s. 508.01.

(f) "Wrecker services" has the same meaning ascribed in s. 508.01.

(2)(a) The division may establish within areas designated by the division a wrecker allocation system, using qualified, reputable wrecker companies, for the removal from crash scenes and the storage of wrecked or disabled vehicles when the owner or operator is incapacitated, unavailable, or leaves the procurement of wrecker services to the officer at the scene and for the removal and storage of abandoned vehicles.

(b) The wrecker allocation system may use only wrecker companies registered under chapter 508. Each reputable wrecker company registered under chapter 508 is eligible for use in the system if its equipment and wrecker operators meet the recognized safety qualifications and mechanical standards set by the division's rules for the size of vehicle they are designed to handle. The division may limit the number of wrecker companies participating in the wrecker allocation system.

(c) The division may establish maximum rates for the towing and storage of vehicles removed at the division's request if those rates are not established by a county or municipality under s. 125.0103 or s. 166.043. These rates are not rules for the purpose of chapter 120; however, the Department of Highway Safety and Motor Vehicles shall adopt rules prescribing the procedures for setting these rates.

(d) Notwithstanding chapter 120, a final order of the department denying, suspending, or revoking a wrecker company's participation in the wrecker allocation system may be appealed only in the manner and within the time provided by the Florida Rules of Appellate Procedure by a writ of certiorari issued by the circuit court in the county in which the wrecker company's primary place of business is located, as evidenced by the wrecker company's registration under chapter 508.

(3)(a) An unauthorized wrecker company, its wrecker operators, or its other employees or agents may not monitor a police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of dispatching its wrecker operator to drive by the scene of the vehicle in a manner described in paragraph (b) or paragraph (c). Any person who violates this paragraph commits a noncriminal violation, punishable as provided in s. 775.083.

(b) A wrecker operator dispatched by an unauthorized wrecker company may not drive by the scene of a wrecked or disabled vehicle before the arrival of the wrecker operator dispatched by the authorized wrecker company, initiate contact with the owner or operator of the vehicle by soliciting or offering wrecker services, or tow the vehicle. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) When a wrecker operator dispatched by an unauthorized wrecker company drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide wrecker services, the wrecker operator must disclose to the owner or operator of the vehicle that he or she was not dispatched by the authorized wrecker company designated as part of the wrecker allocation system and must disclose, in writing, what charges for towing and storage will apply before the vehicle is connected to the towing apparatus. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A wrecker operator may not falsely identify himself or herself as being part of, or as being employed by a wrecker company that is part of, the wrecker allocation system at the scene of a wrecked or disabled vehicle. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash or otherwise disabled from contacting any wrecker company for the provision of wrecker services, regardless of whether the wrecker company is an authorized wrecker company or not. However, if a law enforcement officer determines that the disabled vehicle or vehicle cargo is a public safety hazard, the officer may, in the interest of public safety, dispatch an authorized wrecker company if the officer believes that the authorized wrecker company would arrive at the scene before the wrecker company requested by the owner or operator of the disabled vehicle or vehicle cargo.

(5) A law enforcement officer may dispatch an authorized wrecker

company out of rotation to the scene of a wrecked or disabled vehicle if the authorized wrecker company next on rotation is not equipped to provide the required wrecker services and the out-of-rotation authorized wrecker company is available with the required equipment. However, this subsection does not prohibit or prevent the owner or operator of a vehicle involved in a crash or otherwise disabled from contacting any wrecker company who is properly equipped to provide the required wrecker services, regardless of whether the wrecker company is an authorized wrecker company or not, unless the law enforcement officer determines that the wrecked or disabled vehicle is a public safety hazard and the officer believes that the authorized wrecker company would arrive at the scene before the wrecker company requested by the owner or operator.

Section 14. Effective January 1, 2006, section 323.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 323.001, F.S., for present text.)

323.001 Wrecker company storage facilities; vehicle holds.--

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

(a) "Business day" means a day other than a Saturday, Sunday, or federal or state legal holiday.

(b) "Wrecker company" has the same meaning ascribed in s. 508.01.

(2) A law enforcement agency may place a hold on a motor vehicle stored within a wrecker company's storage facility for 5 business days, thereby preventing a motor vehicle from being released to its owner.

(3) To extend a hold, the law enforcement agency must notify the wrecker company in writing within the 5 business days. If notification is not made within the 5 business days, the wrecker company must release the vehicle to the designated person under s. 713.78.

(a) If the hold is extended beyond the 5 business days, the law enforcement agency may have the vehicle removed to a designated impound lot, in which event the vehicle may not be released by the law enforcement agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker company is presented to the law enforcement agency.

(b) If the law enforcement agency chooses to have the vehicle remain at the wrecker company's storage facility for more than 5 business days under the written notification, the law enforcement agency is responsible for paying the storage charges incurred by the wrecker company for the requested extended period. In such an event, the owner or lienholder is responsible for paying the accrued towing and storage charges for the first 5 business days, or any period less than the first 5 business days, if the law enforcement agency moves the vehicle from the wrecker company's storage facility to a designated impound lot or provides written notification to extend the hold on the vehicle before the expiration of the 5 business days.

(c) The towing and storage rates for the owner or lienholder of the held vehicle may not exceed the rates for the law enforcement agency.

(4) If there is a judicial finding of no probable cause for having continued the immobilization or impoundment, the law enforcement agency ordering the hold must pay the accrued charges for any towing and storage.

(5) The requirements for a written hold apply when the following conditions are present:

(a) The law enforcement officer has probable cause to believe that the vehicle should be seized and forfeited under the Florida Contraband Forfeiture Act, ss. 932.701-932.707;

(b) The law enforcement officer has probable cause to believe that the vehicle should be seized and forfeited under chapter 370 or chapter 372;

(c) The law enforcement officer has probable cause to believe that the vehicle was used as the means of committing a crime;

(d) The law enforcement officer has probable cause to believe that the vehicle is itself evidence that tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed;

(e) The law enforcement officer has probable cause to believe that the vehicle was involved in a traffic accident resulting in death or personal injury and should be sealed for investigation and collection of evidence by a vehicular homicide investigator;

(f) The vehicle is impounded or immobilized under s. 316.193 or s. 322.34; or

(g) The law enforcement officer is complying with a court order.

(6) The hold must be in writing and must specify:

(a) The name and agency of the law enforcement officer placing the hold on the vehicle;

(b) The date and time the hold is placed on the vehicle;

(c) A general description of the vehicle, including its color, make, model, body style, and year; VIN (Vehicle Identification Number); registration license plate number, state, and year; and validation sticker number, state, and year;

(d) The specific reason for placing the hold;

(e) The condition of the vehicle;

(f) The location where the vehicle is being held; and

(g) The name, address, and telephone number of the wrecker company and the storage facility.

(7) A wrecker company's storage facility must comply with a hold placed by a law enforcement officer, including instructions for inside or outside storage. A wrecker company's storage facility may not release a motor vehicle subject to a hold to any person except as directed by the law enforcement agency placing the hold.

(8) When a vehicle owner is found guilty of, or pleads nolo contendere to, the offense that resulted in a hold being placed on his or her vehicle, regardless of the adjudication of guilt, the owner must pay the accrued towing and storage charges assessed against the vehicle.

Section 15. Effective January 1, 2006, section 323.002, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 323.002, F.S., for present text.)

323.002 County and municipal wrecker allocation systems; penalties for operation outside of system.--

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

(a) "Authorized wrecker company" means a wrecker company designated as part of the wrecker allocation system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(b) "Unauthorized wrecker company" means a wrecker company not designated as part of the wrecker allocation system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(c) "Wrecker allocation system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker allocation system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker companies registered under chapter 508 for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. Each wrecker allocation system must use a method for apportioning the towing assignments among the eligible wrecker companies through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(d) "Wrecker company" has the same meaning ascribed in s. 508.01.

(e) "Wrecker operator" has the same meaning ascribed in s. 508.01.

(f) "Wrecker services" has the same meaning ascribed in s. 508.01.

(2) In a county or municipality that operates a wrecker allocation system:

(a) The wrecker allocation system may only use wrecker companies registered under chapter 508.

(b) An unauthorized wrecker company, its wrecker operators, or its other employees or agents may not monitor a police radio for communications between patrol field units and the dispatcher in order to determine the location of a wrecked or disabled vehicle for the purpose of dispatching its wrecker operator to drive by the scene of the vehicle in a manner described in paragraph (c) or paragraph (d). Any person who violates this paragraph commits a noncriminal violation, punishable as

provided in s. 775.083.

(c) A wrecker operator dispatched by an unauthorized wrecker company may not drive by the scene of a wrecked or disabled vehicle before the arrival of the wrecker operator dispatched by the authorized wrecker company, initiate contact with the owner or operator of the vehicle by soliciting or offering wrecker services, or tow the vehicle. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) When a wrecker operator dispatched by an unauthorized wrecker company drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide wrecker services, the wrecker operator must disclose to the owner or operator of the vehicle that he or she was not dispatched by the authorized wrecker company designated as part of the wrecker allocation system and must disclose, in writing, what charges for towing and storage will apply before the vehicle is connected to the towing apparatus. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A wrecker operator may not falsely identify himself or herself as being part of, or as being employed by a wrecker company that is part of, the wrecker allocation system at the scene of a wrecked or disabled vehicle. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash or otherwise disabled from contacting any wrecker company for the provision of wrecker services, regardless of whether the wrecker company is an authorized wrecker company or not. However, if a law enforcement officer determines that the disabled vehicle or vehicle cargo is a public safety hazard, the officer may, in the interest of public safety, dispatch an authorized wrecker company if the officer believes that the authorized wrecker company would arrive at the scene before the wrecker company requested by the owner or operator of the disabled vehicle or vehicle cargo.

(4) A law enforcement officer may dispatch an authorized wrecker company out of rotation to the scene of a wrecked or disabled vehicle if the authorized wrecker company next on rotation is not equipped to provide the required wrecker services and the out-of-rotation authorized wrecker company is available with the required equipment. However, this subsection does not prohibit or prevent the owner or operator of a vehicle involved in a crash or otherwise disabled from contacting any wrecker company that is properly equipped to provide the required wrecker services, regardless of whether the wrecker company is an authorized wrecker company or not, unless the law enforcement officer determines that the wrecked or disabled vehicle is a public safety hazard and the officer believes that the authorized wrecker company would arrive at the scene before the wrecker company requested by the owner or operator.

Section 16. Chapter 508, Florida Statutes, consisting of sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06, 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13, 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20, Florida Statutes, is created to read:

CHAPTER 508
WRECKER SERVICES

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

(1) "Business entity" means any form of corporation, limited liability company, partnership, association, cooperative, joint venture, business trust, sole proprietorship, or self-employed person conducting business in this state.

(2) "Council" means the Wrecker Operator Advisory Council.

(3) "Department" means the Department of Agriculture and Consumer Services.

(4) "Specialized wrecker services" means those wrecker services described in s. 508.08 for which a wrecker operator must have an endorsement to perform those services.

(5) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls 10 percent or more of an ownership interest in a wrecker company, regardless of whether the natural person owns or controls the ownership interest through one or more natural persons or one or more proxies, powers of attorney, nominees, business entities, or any combination thereof.

(6) "Vehicle" means any vehicle of a type that may be registered under chapter 320 for operation on the roads of this state, regardless of whether the vehicle is actually registered. The term does not include a mobile home or manufactured home as defined in s. 320.01.

(7) "Vessel" means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.

(8) "Wrecker" has the same meaning ascribed in s. 320.01.

(9) "Wrecker company" means a business entity engaged for hire in the business of towing, carrying, or transporting vehicles or vessels by wrecker upon the streets and highways of this state. The term does not include a person regularly engaged in the business of transporting mobile homes.

(10) "Wrecker operator" means a person who performs wrecker services.

(11) "Wrecker services" means towing, carrying, or otherwise transporting vehicles or vessels by wrecker upon the streets and highways of this state for hire. The term includes, but is not limited to, each of the following:

(a) Driving a wrecker.

(b) Loading, securing, and unloading a vehicle or vessel on a wrecker using a boom, winch, car carrier, or other similar equipment.

(c) Towing or removal of a wrecked, disabled, or abandoned vehicle under the Florida Highway Patrol wrecker allocation system pursuant to s. 321.051 or under a county or municipal wrecker allocation system pursuant to s. 323.002.

(d) Towing, recovery, or removal of a vehicle or vessel under s. 713.78.

(e) Towing, transportation, or removal of a vehicle or vessel parked on real property without permission under s. 715.07.

(f) Recovery of a vehicle or vessel.

508.02 Wrecker Operator Advisory Council.--

(1) The Wrecker Operator Advisory Council is created within the department. The council shall advise and assist the department in administering this chapter.

(2)(a) The council shall be composed of seven members appointed by the Commissioner of Agriculture. One member must be an officer of an organization whose members are engaged in towing or transporting vehicles, vessels, or mobile homes.

(b) Three members of the council must each be an ultimate equitable owner of a wrecker company who has been an ultimate equitable owner of that company for at least 5 years before his or her appointment; one member must be a wrecker operator who is not an ultimate equitable owner of a wrecker company and who has been a wrecker operator for at least 5 years before his or her appointment; and two members must be laypersons. Each member must be a resident of this state. This paragraph expires July 1, 2011.

(c) Effective July 1, 2011, three members of the council must each be an ultimate equitable owner of a wrecker company registered under this chapter who has been an ultimate equitable owner of that company registered for at least 5 years before his or her appointment; one member must be a wrecker operator certified under this chapter who is not an ultimate equitable owner of a wrecker company and who has been a wrecker operator certified for at least 5 years before his or her appointment; and two members must be laypersons. Each member must be a resident of this state.

(3) The term of each member of the council is 4 years, except, to establish staggered terms, two members who are owners of wrecker companies and one layperson shall be appointed initially for a 2-year term. Members may be reappointed for additional terms not to exceed 8 years of consecutive service. A vacancy shall be filled for the remainder

of the unexpired term in the same manner as the original appointment.

(4)(a) From among its members, the council shall annually elect a chair, who shall preside over the meetings of the council, and a vice chair.

(b) In conducting its meetings, the council shall use accepted rules of procedure. The department shall keep a complete record of each meeting which must show the names of members present and the actions taken. These records and other documents about matters within the jurisdiction of the council must be kept on file with the department.

(5) The members of the council shall serve without compensation but are entitled to reimbursement of travel and per diem expenses under s. 112.061.

(6) The department shall provide administrative and staff support services relating to the functions of the council.

(7) The council shall review the rules adopted by the department to administer this chapter and shall advise the department on matters relating to industry standards and practices and other issues that require technical expertise and consultation or that promote better consumer protection in the wrecker industry.

508.03 Rulemaking authority.--The department may adopt rules under ss. 120.536(1) and 120.54 to administer this chapter.

508.04 Wrecker companies; registration required.--Effective January 1, 2006:

(1) A person may not own, operate, solicit business, advertise wrecker services, or otherwise engage for hire in the business of a wrecker company in this state unless that person is registered with the department under this chapter.

(2) A person applying for or renewing a local occupational license to engage for hire in the business of a wrecker company must exhibit a current registration certificate from the department before the local occupational license may be issued or reissued under chapter 205.

(3) This section does not apply to a motor vehicle repair shop registered with the department under s. 559.904 which derives at least 80 percent of its gross sales from motor vehicle repairs, or to any franchised motor vehicle dealers licensed pursuant to s. 320.27 when wrecker services are incidental to the operation of the franchise.

508.05 Registration requirements; renewal of registrations.--

(1) Each wrecker company engaged or attempting to engage for hire in the business of towing, carrying, or transporting vehicles, vessels, or mobile homes by wrecker upon the streets and highways of this state must annually register with the department on forms prescribed by the department. The application for registration must include at least the following information:

(a) The name and federal employer identification number of the wrecker company.

(b) The mailing address, physical address, and telephone number of the wrecker company's primary place of business.

(c) The fictitious name under which the wrecker company transacts business in this state.

(d) The full name, residence address, business address, and telephone number of the applicant. If the applicant is other than a natural person, the application must also contain the full name, residence address, business address, telephone number, and federal employer identification number, if applicable, of each ultimate equitable owner of the business entity and each officer, director, partner, manager, member, or managing member of the entity.

(e) If the applicant is other than a natural person, the full name of the business entity's registered agent and the address of the registered office for service of process.

(f) The physical address and telephone number of each business location and each storage facility where the wrecker company stores towed vehicles, vessels, or mobile homes.

(2) Each initial and renewal application for registration must be accompanied by the registration fee prescribed in s. 508.16.

(3) Each initial application for registration must be accompanied by a complete set of the applicant's fingerprints taken by a law enforcement agency. If the applicant is other than a natural person, a complete set of fingerprints must also be filed for each ultimate equitable owner of the business entity and each officer, director, partner, manager, member, or managing member of the entity. The department shall submit the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The Department of Agriculture and Consumer Services shall collect from each applicant the fingerprint processing fee of $23 for state processing and an additional fee for federal processing for each applicant's name submitted. The Department of Agriculture and Consumer Services shall screen background results to determine if the applicant meets the requirements for issuance of a registration certificate. Registration renewal applications need not be accompanied by a set of fingerprints for an individual who previously submitted a set of fingerprints to the department as part of a prior year's registration application.

(4) The department shall review each application in accordance with s. 120.60 and shall issue a registration certificate, in the form and size prescribed by the department, to each wrecker company whose application is approved. The certificate must show at least the name and address of the wrecker company and the registration number. The registration certificate must be prominently displayed in the wrecker company's primary place of business.

(5) Each advertisement of a wrecker company must include the phrase "Fla. Wrecker Co. Reg. No. ." For the purpose of this subsection, the term "advertisement" means a printed or graphic statement made in a newspaper or other publication or contained in any notice, handbill, or sign, including signage on a vehicle, flyer, catalog, or letter.

(6) A registration is invalid for a wrecker company transacting business at a place other than the location designated in the registration application unless the department is first notified in writing before the change of location. A registration issued under this chapter is not transferable or assignable, and a wrecker company may not conduct business under a name other than as registered. A wrecker company desiring to change its registered name, location, or registered agent for service of process at a time other than upon renewal of registration must notify the department of the change.

(7)(a) Each registration must be renewed annually on or before the expiration date of the current registration. A late fee of $25 must be paid, in addition to the registration fee or any other penalty, for a registration renewal application that is received by the department after the expiration date of the current registration. The department may not issue a registration until all fees are paid.

(b) A wrecker company whose primary place of business is located within a county or municipality that requires, by local ordinance, a local occupational license under chapter 205 may not renew a license under this chapter unless the wrecker company obtains the occupational license from the county or municipality.

(8) Each wrecker company must provide the department with a certificate of insurance for the required insurance coverage under s. 627.7415 before the department may issue the registration certificate for an initial or renewal registration. The department must be named as a certificateholder on the insurance certificate and must be notified at least 30 days before any change in insurance coverage.

(9) The department shall notify the Department of Highway Safety and Motor Vehicles when a registration issued under this chapter has been suspended or revoked by order of the department. Notification must be sent within 10 days after the department issues the suspension or revocation order.

508.06 Denial of registration.--The department may deny, revoke, or refuse to renew the registration of a wrecker company based upon a determination that the applicant or, if the applicant is other than a natural person, the wrecker company or any of its ultimate equitable owners, officers, directors, partners, managers, members, or managing members has:

(1) Not met the requirements for registration under this chapter;

(2) Been convicted of, found guilty of, or pled guilty or nolo contendere to, regardless of the adjudication of guilt, a felony within the last 7 years;

(3) Been convicted of, found guilty of, or pled guilty or nolo contendere to, regardless of the adjudication of guilt, a crime within the last 7 years involving repossession of a motor vehicle under chapter 493; repair of a motor vehicle under ss. 559.901-559.9221; theft of a motor vehicle under s. 812.014; carjacking under s. 812.133; operation of a chop shop under s. 812.16; failure to maintain records of motor vehicle parts and accessories under s. 860.14; airbag theft or use of fake airbags under s. 860.145 or s. 860.146; overcharging for repairs and parts under s. 860.15; or a violation of towing or storage requirements for a motor vehicle under s. 321.051, chapter 323, s. 713.78, s. 715.07, or this chapter;

(4) Not satisfied a civil fine or penalty arising out of an administrative or enforcement action brought by the department, another governmental agency, or a private person based upon conduct involving a violation of this chapter;

(5) Pending against him or her a criminal, administrative, or enforcement proceeding in any jurisdiction based upon conduct involving a violation of this chapter; or

(6) An administrative order entered against him or her in an action brought by the department under this chapter.

508.061 Acceptable forms of payment.--A wrecker company shall accept a minimum of two of the following forms of payment:

(1) Cash, cashier's check, money order, or traveler's check;

(2) Valid personal check, showing upon its face the name and address of the vehicle or vessel owner or authorized representative; or

(3) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

508.07 Wrecker operator certification program.--

(1) The department, in consultation with the council, shall establish a wrecker operator certification program by December 31, 2005. Under this program, the council shall approve certification courses for wrecker operators conducted by approved organizations. The council shall prescribe the minimum curricula for these courses, which must comprise at least 16 hours, equally apportioned between theoretical instruction and practical training. The council must approve each organization and its certification course before the course is accepted for certification of wrecker operators under this chapter.

(2) Each approved wrecker operator certification course must include a certification examination demonstrating a wrecker operator's knowledge, skills, and abilities in performing wrecker services and in the instruction and training of the certification course. The council must approve each certification examination before the examination is accepted for certification of wrecker operators under this chapter.

(3) Each organization conducting an approved wrecker operator certification course must issue on forms prescribed by the department a certificate to each wrecker operator who completes the approved certification course or who passes the approved certification examination.

508.08 Specialized wrecker services.--

(1) In addition to the minimum curricula for certification of wrecker operators, each approved certification course must offer optional instruction, training, and examination of wrecker operators for each of the following specialized wrecker services:

(a) Light duty.--Towing and winching a passenger vehicle, and uprighting such an overturned vehicle, including the proper use of chains, wire rope, and straps.

(b) Medium duty.--Towing and winching a medium-sized commercial vehicle, and uprighting such an overturned vehicle.

(c) Heavy duty.--Towing and winching a standard large-sized commercial vehicle, and uprighting such an overturned vehicle.

(d) Ultra-heavy duty.--Towing and winching a specialty large-sized commercial vehicle or another complex vehicle, and uprighting such an overturned vehicle.

(e) Rollback wrecker.--Proper loading, securing, transporting, and unloading of a vehicle on a flatbed-rollback wrecker.

(f) Hazardous materials.--Awareness of hazardous materials. Instruction and training for this wrecker service must comprise at least 8 hours in order to be approved.

(g) Air cushions.--Proper use of air cushions in the recovery of a heavy-duty vehicle.

(2) The department shall adopt rules prescribing specific standards to further define each of the specialized wrecker services described in subsection (1). The council must approve the instruction, training, and examination for a specialized wrecker service before the specialized wrecker service is accepted for endorsement of a wrecker operator's certification under this chapter.

(3) Each organization conducting an approved wrecker operator certification course must issue on forms prescribed by the department a certificate to each wrecker operator who completes the approved instruction and training for a specialized wrecker service or who passes the approved endorsement examination for that specialized wrecker service.

508.09 Certification cards.--

(1) Each organization conducting an approved wrecker operator certification course must issue a certification card to each wrecker operator who completes the approved certification course and passes the approved certification examination. The department must approve the form of the certification cards issued by each organization. Each certification card must include the wrecker operator's name, a color photograph or digital image of the wrecker operator, and the expiration date of the certification card.

(2) Each certification card must also include the wrecker operator's applicable endorsements for specialized wrecker services, for which the wrecker operator completed the approved instruction and training for the specialized wrecker service and passed the approved endorsement examination for that specialized wrecker service.

(3) The department may adopt rules governing the issuance of a certification card to a wrecker operator who:

(a) Completes a certification course and passes a certification examination in another state which are substantially equivalent to the approved certification courses and approved certification examinations in this state.

(b) Completed a certification course and passed a certification examination in this state between January 1, 2000, and December 31, 2005, which are substantially equivalent to the approved certification courses and the approved certification examinations. This paragraph expires July 1, 2006.

(c) Completed instruction and training for a specialized wrecker service and passed an endorsement examination for that specialized wrecker service between January 1, 2000, and December 31, 2005, which are substantially equivalent to the approved instruction and training and the approved endorsement examinations. This paragraph expires July 1, 2006.

For the purposes of this subsection, the council shall approve each certification examination in another state, and shall approve the instruction, training, and examination for each specialized wrecker service in another state, which the council determines are substantially equivalent to the approved certification courses and approved certification examinations in this state or to the approved instruction, training, and endorsement examinations for a specialized wrecker service in this state.

(4) Each certification card expires 5 years after the date of issuance.

(5) Certification cards shall be issued by the organizations conducting approved wrecker operator certification courses. The department is not responsible for issuing certification cards or for the costs associated with the issuance of certification cards.

508.10 Wrecker operators; certification required; inspection of employment records.--Effective January 1, 2006:

(1) A person may not perform wrecker services in this state unless he or she is an employee or ultimate equitable owner of a wrecker company that is registered with the department under this chapter and those wrecker services are performed on behalf of the wrecker company.

(2)(a) A person may not perform wrecker services or specialized wrecker services for a wrecker company for more than 6 months after first being employed by, or becoming an ultimate equitable owner of, the wrecker company without being certified as a wrecker operator under this chapter.

(b) A wrecker operator certified under this chapter may not perform a specialized wrecker service for a wrecker company unless the wrecker operator's certification includes an endorsement for that specialized wrecker service.

(3)(a) Notwithstanding subsections (1) and (2), a person may perform wrecker services or specialized wrecker services in this state if he or she is an employee or ultimate equitable owner of a motor vehicle repair shop registered with the department under s. 559.904 and those wrecker services or specialized wrecker services are performed on behalf of the motor vehicle repair shop.

(b) Notwithstanding subsections (1) and (2), a person may perform wrecker services or specialized wrecker services in this state if those wrecker services or specialized wrecker services are performed on behalf of a religious organization that holds a current exemption from federal taxation or that is not required to apply for recognition of its exemption, under s. 501 of the Internal Revenue Code.

(4) The department may, at any time during business hours, enter any business location of a wrecker company and examine the company's books or records. If the department has reason to believe that a violation of this chapter has occurred or is occurring, the department may subpoena any necessary books or records.

508.11 Renewal of certification; continuing education requirements.--

(1) The department, in consultation with the council, shall establish a continuing education program for the recertification of wrecker operators by December 31, 2007. In order to renew a wrecker operator's certification card, an operator must complete a continuing education course. The council must prescribe the minimum curricula and proper examination for each continuing education course, each of which must be at least 8 hours in length. The council shall approve each organization, and the continuing education course it proposes to offer, before the course is approved for recertifying wrecker operators.

(2) Each organization conducting an approved wrecker operator continuing education course must issue, on forms prescribed by the department, a certificate to each wrecker operator who completes the approved course or who passes an approved recertification examination.

508.12 Prohibited acts.--It is a violation of this chapter for a person to:

(1) Charge rates that exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c).

(2) Violate s. 321.051, relating to the Florida Highway Patrol wrecker allocation system.

(3) Violate s. 323.002, relating to county and municipal wrecker allocation systems.

(4) Violate s. 713.78, relating to liens for recovering, towing, or storing vehicles and vessels.

(5) Violate s. 715.07, relating to towing or removing vehicles and vessels parked on real property without permission.

(6) Refuse to allow a law enforcement officer to inspect a towing and storage facility, as required in s. 812.055.

(7) Allow a person who is not certified as a wrecker operator under this chapter to perform wrecker services or specialized wrecker services for the wrecker company for more than 6 months after first being employed by, or becoming an ultimate equitable owner of, the wrecker company.

(8) Allow a wrecker operator certified under this chapter to perform a specialized wrecker service for the wrecker company if the wrecker operator's certification does not include an endorsement for that specialized wrecker service.

(9) Perform an act otherwise prohibited by this chapter or fail to perform an act otherwise required by this chapter.

508.13 Administrative penalties; inspection of records.--

(1) The department may order one or more of the following if the department finds that a person has violated this chapter or the rules or orders issued under this chapter:

(a) Issue a notice of noncompliance under s. 120.695.

(b) Impose an administrative fine not to exceed $5,000 for each act or omission.

(c) Direct the person to cease and desist specified activities.

(d) Refuse to register the wrecker company or suspend or revoke the wrecker company's registration.

(e) Place the wrecker company on probation for a period of time, subject to the conditions specified by the department.

(2) Chapter 120 shall govern an administrative proceeding resulting from an order imposing a penalty specified in subsection (1).

508.14 Civil penalties.--The department may bring a civil action in a court of competent jurisdiction to recover any penalties or damages allowed in this chapter and for injunctive relief to enforce compliance with this chapter. The department may seek a civil penalty of up to $5,000 for each violation of this chapter and may seek restitution for and on behalf of any owner of a vehicle, vessel, or mobile home who is aggrieved or injured by a violation of this chapter.

508.15 Criminal penalties.--Effective July 1, 2006:

(1) A person who violates s. 508.04(1) by operating a wrecker company in this state without being registered with the department under this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates s. 508.10(1) by performing wrecker services in this state without being an employee or ultimate equitable owner of a wrecker company that is registered with the department under this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

508.16 Fees.--The department shall adopt by rule a fee schedule, not to exceed the following amounts:

(1) Wrecker company registration fee: $515.

(2) Wrecker company registration renewal fee: $515.

508.17 General Inspection Trust Fund; payments.--All fees, penalties, or other funds collected by the department under this chapter must be deposited in the General Inspection Trust Fund and may only be used for the purpose of administering this chapter.

508.18 Recovery agents; exemption.--This chapter does not apply to a person licensed under chapter 493 performing repossession services.

508.19 County and municipal ordinances.--A county or municipality may enact ordinances governing the business of transporting vehicles or vessels by wrecker which are more restrictive than this chapter. This section does not limit the authority of a political subdivision to impose regulatory fees or charges or to levy occupational license taxes under chapter 205. The department may enter into a cooperative agreement with any county or municipality that provides for the referral, investigation, and prosecution of consumer complaints alleging violations of this act. The department is authorized to delegate enforcement of this act to any county or municipality entering into a cooperative agreement.

508.20 Records.--

(1) Each wrecker company shall maintain records of its wrecker services for at least 12 months. These records shall be maintained at the wrecker company's principal place of business.

(2) Each wrecker company shall maintain records on each of its wrecker operators sufficient to demonstrate that the operator has successfully completed an approved wrecker operator certification course or an approved wrecker operator continuing education course and is certified to perform wrecker services. These records shall be maintained at the wrecker company's principal place of business for as long as the operator is employed by the wrecker company and for at least 6 months

thereafter.

(3) Each organization approved to conduct a wrecker operator certification course or approved to offer a wrecker operator continuing education course shall maintain records on each person who successfully completes one of the courses. The records shall be maintained at the organization's principal place of business for at least 5 years. The department may, at any time during normal business hours, enter the organization's principal place of business to examine the records.

Section 17. Subsections (2), (4), (5), (6), (7), (10), (11), and (13) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.--

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or~~,~~ vessel~~, or mobile home~~ upon instructions from:

(a) The owner thereof; ~~or~~

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the ~~such~~ removal is done in compliance with s. 715.07; or

(c) Any law enforcement agency~~; or~~

~~(d) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061~~,

she or he shall have a lien on the ~~such~~ vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if the ~~such~~ vehicle is stored for less than 6 hours.

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after ~~from~~ the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored or in which the owner resides to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid ~~or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent~~, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge ~~or unpaid lot rental amount~~ after 35 days from the time the vehicle or vessel is stored therein if the vehicle

or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or, vessel, ~~or mobile home~~ is registered, ~~to the mobile home park owner,~~ and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, ~~and the unpaid lot rental amount,~~ in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(7)(a) A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels, provided that such services have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle or vessel is removed, such removal has been done in compliance with s. 715.07. Further, a wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer. ~~connected with such services when complying with the lawful directions of a law enforcement officer to remove a vehicle stopped, standing, or parked upon a street or highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the street or highway.~~

(b) For the purposes of this subsection, a wrecker operator is presumed to use reasonable care to prevent the theft of a vehicle or vessel or of any personal property contained in such vehicle stored in the wrecker operator's storage facility if all of the following apply:

1. The wrecker operator surrounds the storage facility with a chain-link or solid-wall type fence at least 6 feet in height;

2. The wrecker operator has illuminated the storage facility with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime; and

3. The wrecker operator uses one or more of the following security methods to discourage theft of vehicles or vessels or of any personal property contained in such vehicles or vessels stored in the wrecker operator's storage facility:

a. A night dispatcher or watchman remains on duty at the storage facility from sunset to sunrise;

b. A security dog remains at the storage facility from sunset to sunrise;

c. Security cameras or other similar surveillance devices monitor the storage facility; or

d. A security guard service examines the storage facility at least once each hour from sunset to sunrise.

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. However, if the owner or driver of the motor vehicle is present and accompanies the vehicle, no inventory by law enforcement is required. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record prepared by the law enforcement agency requesting the removal of the vehicle.

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners or their agents, which agency is evidenced by an original ~~a~~ writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or, vessel, ~~or mobile home~~ described in the certificate of title, shall apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. A service charge of $4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle or, vessel ~~or mobile home~~ upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle or, vessel, ~~or mobile home~~ on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle or, vessel, ~~or mobile home~~ is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle or, vessel, ~~or mobile home~~ and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle or, vessel, ~~or mobile home~~, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; ~~mobile home sticker number, state, and year;~~ vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or, vessel~~, or mobile home~~ be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle or, vessel~~, or mobile home~~ for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle or, vessel~~, or mobile home~~ may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle or, vessel~~, or mobile home~~ was sold in a private or casual sale before the vehicle or, vessel~~, or mobile home~~ was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle or, vessel~~, or mobile home~~ was sold to a licensed dealer as defined in s. 319.001 before the vehicle or, vessel~~, or mobile home~~ was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle or, vessel~~, or mobile home~~ is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle or, vessel~~, or mobile home~~ was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle or, vessel~~, or mobile home~~ was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle or, vessel~~, or mobile home~~ was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle or, vessel~~, or mobile home~~ attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the General Revenue Fund established under s. 860.158. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Section 18. Effective January 1, 2006, section 713.785, Florida Statutes, is created to read:

713.785 Liens for recovering, towing, or storing mobile homes.--

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

(a) "Mobile home transport company" means a person regularly engaged in the business of transporting mobile homes.

(b) "Store" means a mobile home transport company has legal possession of a mobile home either on the mobile home transport company's property or on any other property.

(c) "Unpaid lot rental amount" or "rent" means any unpaid financial obligations of the mobile home owner or tenant to the mobile home park owner defined as "lot rental amount" in s. 723.003 or "rent" in part II of

chapter 83 and includes any amounts defined as storage charges in s. 723.084.

(2) If the mobile home transport company recovers, removes, or stores a mobile home upon instructions from:

(a) The owner of the mobile home;

(b) Any law enforcement agency; or

(c) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot under s. 723.062 or s. 83.62,

the mobile home transport company has a lien on the mobile home for a reasonable towing fee and for a reasonable storage fee.

(3)(a) A mobile home transport company that comes into possession of a mobile home under subsection (2) and that claims a lien for recovery, towing, or storage services must give notice to the registered owner and to all persons claiming a lien on the mobile home, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the mobile home to the registered owner at the owner's last known address, and all persons of record claiming a lien against the mobile home. The notice shall state the fact of possession of the mobile home, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement under law and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any mobile home which remains unclaimed, or for which charges remain unpaid, may be sold free of all prior liens after 35 days following the eviction proceeding that resulted in the issuance of the writ of possession, provided that any lienholder entitled to notice pursuant to s. 723.084 has received such notice and has failed to act pursuant to s. 723.084 to pay storage charges, take possession of the home, or take legal action to foreclose its interest prior to issuance of the writ of possession.

(4)(a) The owner of a mobile home stored under subsection (2), or any person claiming a lien of record, other than the mobile home transport company, within 10 days after the time she or he has knowledge of the location of the mobile home, may file a complaint in the court of the county in which the mobile home is stored, to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have the mobile home released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount due and owing at that time to ensure the payment of the charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the mobile home transport company of the posting of the bond and directing the mobile home transport company to release the mobile home. At the time of the release, after reasonable inspection, she or he shall give a receipt to the mobile home transport company citing any claims she or he has for loss or damage to the mobile home or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party. The final order shall provide for immediate payment in full of any lien for recovery, towing, and storage fees and any unpaid lot rental amount accruing until the time the home is removed from the property, by the mobile home owner or lienholder, or the owner, lessee, or agent thereof of the property from which the mobile home was removed.

(5) A mobile home that is stored under subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner as evidenced by a judgment for unpaid rent and any contents of the mobile home not released under subsection (9), may be sold by the mobile home transport company for the towing or storage charge and any unpaid lot rental amount 35 days after the mobile home is stored by a mobile home transport company. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required by subsection (3), notice of the sale must be given to the person in whose name the mobile home is registered at her or his last known address, to the mobile home park owner, and to all persons claiming a lien on the mobile home as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice must be sent by certified mail, return receipt requested, at least 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale must be made by publishing a notice of the sale one time, at least 10 days before the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, costs of the sale, and the unpaid lot rental amount as evidenced by the judgment for unpaid lot rental and an affidavit executed by the mobile home park owner or the owner's agent establishing the amount of unpaid lot rental amount through the date of the sale, in that order of priority, must be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold the proceeds subject to the claim of the person legally entitled to those proceeds. The clerk is entitled to receive 5 percent of the proceeds for the care and disbursement of the proceeds. The certificate of title issued under this section shall be discharged of all liens unless otherwise provided by court order.

(6) The mobile home transport company, the landlord or his or her agent, or any subsequent purchaser for value are not responsible to the tenant or any other party for loss, destruction, or damage to the mobile home or other personal property after coming into possession of the mobile home under this section, provided the mobile home transport company, the landlord, or their agents use reasonable care in storing the mobile home. As used in this subsection, the term "reasonable care" means securing the mobile home by changing door locks, or any similar methods for securing the mobile home, in place in the mobile home park or in a separate storage area.

(7)(a) A mobile home transport company that comes into possession of a mobile home under subsection (2) and that complies with subsection (3), if the mobile home is to be sold for purposes of being dismantled, destroyed, or changed so that it is not the mobile home described in the certificate of title, must apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the mobile home described in the certificate, is reassignable no more than twice before dismantling or destruction of the mobile home and the certificate must accompany the mobile home for which it is issued when the mobile home is sold for that purpose, in lieu of a certificate of title. The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of this section; must, if the mobile home is not registered in this state, include a statement from a law enforcement officer that the mobile home is not reported stolen; and shall be accompanied by any other documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. The tax collector who processes the application shall collect and retain a service charge of $4.25.

(c) The Department of Highway Safety and Motor Vehicles may adopt rules to administer this subsection.

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers may inspect the records of each mobile home transport company in this state to ensure compliance with this section.

(8)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a mobile home transport company that

claims a lien under paragraph (2)(b) or paragraph (2)(c) for recovery, towing, or storage of a mobile home for which a certificate of destruction has been issued under subsection (7), the department shall place the name of the registered owner of that mobile home on the list of those persons who may not be issued a revalidation sticker under s. 320.03. If the mobile home is owned jointly by more than one person, the name of each registered owner must be placed on the list. The notice of a mobile home transport company's lien must be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the mobile home transport company.

2. The name of the registered owner of the mobile home and the address to which the mobile home transport company provided notice of the lien to the registered owner under subsection (3).

3. A general description of the mobile home, including its color, make, model, body style, and year.

4. The mobile home sticker number, state, and year or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the mobile home be recovered, towed, or stored.

6. The amount of the lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection, the amount of the mobile home transport company's lien for which the department will prevent issuance of a revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a mobile home transport company's lien claimed under subsection (2) or prevent a mobile home transport company from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a revalidation sticker.

(c)1. The registered owner of the mobile home may dispute the mobile home transport company's lien by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the mobile home was sold in a private or casual sale before the mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the mobile home was sold to a licensed dealer as defined in s. 319.001 before the mobile home was recovered, towed, or stored.

c. The records of the department were marked to indicate that the mobile home was sold before the issuance of the certificate of destruction under subsection (7).

If the registered owner's dispute of a mobile home transport company's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a revalidation sticker under s. 320.03. If the mobile home is owned jointly by more than one person, each registered owner must dispute the mobile home transport company's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a revalidation sticker if the mobile home transport company has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the mobile home transport company's lien claimed under this section. In such a case, the amount of the mobile home transport company's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, is not final agency action, and is appealable only to the county court for the county in which the mobile home was ordered removed.

2. A person against whom a mobile home transport company's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a revalidation sticker for any mobile home under s. 320.03 upon posting with the court a cash or surety bond or other adequate security equal to the amount of the mobile home transport company's lien to ensure the payment of the lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the mobile home transport company's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a mobile home transport company's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the mobile home transport company has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a revalidation sticker under s. 320.03, upon posting with the clerk of court in the county in which the mobile home was ordered removed a cash or surety bond or other adequate security equal to the amount of the mobile home transport company's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the mobile home transport company's lien. The department shall mail to the mobile home transport company, at the address upon the lien form, notice that the mobile home transport company must claim the security within 60 days or the security will be released to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable fees of the clerk.

4. A mobile home transport company's lien expires 5 years after filing.

(d) Upon discharge of the amount of the mobile home transport company's lien allowed under paragraph (b), the mobile home transport company must issue a certificate of discharged lien on a form provided by the department to each registered owner of the mobile home attesting that the amount of the mobile home transport company's lien allowed under paragraph (b) has been discharged. Upon presentation of the certificate of discharged lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a revalidation sticker under s. 320.03. Issuance of a certificate of discharged lien under this paragraph does not discharge the entire amount of the mobile home transport company's lien claimed under subsection (2), but certifies to the department only that the amount of the mobile home transport company's lien allowed by paragraph (b), for which the department will prevent issuance of a revalidation sticker, has been discharged.

(e) When a mobile home transport company files a notice of lien under this subsection, the department shall charge the mobile home transport company a fee of $2, which must be deposited into the General Revenue Fund. The tax collector who processes a notice of lien shall collect and retain a service charge of $2.50.

(f) The Department of Highway Safety and Motor Vehicles may adopt rules to administer this subsection.

(9) Persons who provide services under this section shall permit a mobile home owner or her or his agent, whose agency is evidenced by a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the mobile home and shall release to the owner or agent all personal property not affixed to the mobile home, provided there exists no landlord's lien for rent under s. 713.691 or s. 713.77.

(10) Any person who violates subsection (3), subsection (5), subsection (6), subsection (7), or subsection (9) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.--

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

(a) "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.

(b) "Vessel" means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(8).

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius ~~10 miles~~ of the point of removal in any county of 500,000 population or more, and within a 15-mile radius ~~15 miles~~ of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius ~~20 miles~~ of the point of removal in any county of 500,000 population or more, and within a 30-mile radius ~~30 miles~~ of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after ~~of~~ completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel. ~~If the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 6., for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise unlawfully parked.~~

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location. ~~The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited.~~

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels~~, if the property owner, lessee, or person in control of the property has a written contract with the towing company~~.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or custodian within one hour after requested. Any vehicle or vessel owner~~, custodian,~~ or agent shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle or vessel owner, custodian, or agent as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are ~~shall be the~~ minimum standards and do ~~shall~~ not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles or vessels are towed from private property.

(3) This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles or vessels that ~~which~~ are marked as such or to property owned by any governmental entity.

(4) When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's ~~attorneys'~~ fees; and court costs.

(5)(a) Any person who violates ~~the provisions of~~ subparagraph (2)(a)2. or subparagraph (2)(a)6. commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who violates subparagraph (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4., ~~the provisions of~~ subparagraph (2)(a)7., or subparagraph (2)(a)9. commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 20. Paragraph (a) of subsection (1) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.--

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

(a) "Certificate of destruction" means the certificate issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

Section 21. Section 713.69, Florida Statutes, is amended to read:

713.69 Unlawful to remove property upon which lien has accrued.--It is unlawful for any person to remove any property upon which a lien has accrued under the provisions of s. 713.68, s. 713.77, or s. 713.785 from any mobile home park, hotel, apartment house, roominghouse, lodginghouse, boardinghouse or tenement house without first making full payment to the person operating or conducting the same of all sums due and payable for such occupancy or without first having the written consent of such person so conducting or operating such place to so remove such property. Any person violating the provisions of this section shall, if the property removed in violation hereof be of the value of $50 or less, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; and if the property so removed should be of greater value than $50 then such person shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 22. Effective January 1, 2006, subsection (15) of section 1.01, Florida Statutes, is repealed.

Section 23. The sum of $693,000 is appropriated from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services, and 10 additional full-time-equivalent positions are authorized, for the purpose of implementing this act during the 2005-2006 fiscal year.

Section 24. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services;

requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

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

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

HB 817—A bill to be entitled An act relating to Florida Gulf Coast University; authorizing the university to establish a school of engineering; authorizing the university to grant bachelor's degrees in specified fields; providing an effective date.

—was read the second time by title.

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

Representative(s) Williams offered the following:

(Amendment Bar Code: 074289)

Amendment 1—Remove line(s) 13 and insert:
<u>of Engineering, subject to approval by the Board of Governors.</u>

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

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

HB 1553—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain visual services prescribed to Medicaid recipients regardless of age; providing an effective date.

The Health Care Appropriations Committee recommended the following:

HB 1553 CS—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain visual services prescribed to Medicaid recipients regardless of age; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 165539)

Amendment 1—Remove line(s) 43 through 46, and insert:
by a licensed optometrist. <u>Eyeglasses for adult recipients shall be limited to one pair every 2 years.</u>
Section 2. <u>There are hereby appropriated the sums of $3,038,915 from the General Revenue Fund, $4,353,236 from the Medical Care Trust Fund, and $241,802 from the Refugee</u>

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

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

HB 261—A bill to be entitled An act relating to driving under the influence; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 261 CS—A bill to be entitled An act relating to driving under the influence; amending s. 316.1937, F.S.; authorizing the court to order a portion of a DUI fine to be used to pay certain costs related to ignition interlock devices; amending s. 322.271, F.S.; conforming references; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a certified ignition interlock device for specified DUI offenses when the court has failed to order such placement under specified circumstances; specifying duration of placement period; specifying responsibility for costs associated with an ignition interlock device; requiring proof of installation; providing an exception for certain medical conditions; providing for determinations by the court regarding ability to pay; providing for review by writ of certiorari; providing application; providing an effective date.

—was read the second time by title.

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

Representative(s) Harrell offered the following:

(Amendment Bar Code: 725477)

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

Section 1. Paragraph (d) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.--

(2)

(d) The department, based upon review of the licensee's application for reinstatement, may require use of an ignition interlock device pursuant to s. 322.2715 ~~s. 316.1937~~.

Section 2. Section 322.2715, Florida Statutes, is created to read:

322.2715 Ignition interlock device.--

(1) Before issuing a permanent or restricted driver's license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any person convicted of committing an offense of driving under the influence as specified in subsection (3), except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. An interlock device shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

(2) For purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for a violation of former s. 316.1931, or a conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood alcohol level, or any other similar alcohol-related or drug-related traffic offense is a conviction of driving under the influence.

(3) If the person is convicted of:

(a) A first offense of driving under the influence under s. 316.193 and has an unlawful blood alcohol level or breath alcohol level as specified in s. 316.193(4), or if a person is convicted of a violation of s. 316.193 and was at the time of the offense accompanied in the vehicle by a person younger than 18 years of age, the person shall have the ignition interlock device installed for 6 months for the first offense and for at least 2 years for a second offense.

(b) A second offense of driving under the influence, the ignition interlock device shall be installed for a period of not less than 1 year.

(c) A third offense of driving under the influence which occurs within 10 years after a prior conviction for a violation of s. 316.193, the ignition interlock device shall be installed for a period of not less than 2 years.

(d) A third offense of driving under the influence which occurs more than 10 years after the date of a prior conviction, the ignition interlock device shall be installed for a period of not less than 2 years.

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. This subsection applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

Section 3. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

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

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

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an effective date.

The State Resources Council recommended the following:

HB 1231 CS—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of

provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an effective date.

—was read the second time by title.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 068389)

Amendment 1 (with title amendment)—Between line(s) 659 and 660 insert:

Section 11. The sum of $285,000 is appropriated from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services, and four additional full-time equivalent positions are authorized, for the purpose of implementing this act during the 2005-2006 fiscal year.

Remove line(s) 44 and insert:
providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

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

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

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; requiring each constituency board to raise funds; providing a prohibition; providing an effective date.

The Colleges & Universities Committee recommended the following:

HB 885 CS—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; requiring each constituency board to raise funds; providing a prohibition; providing an effective date.

—was read the second time by title.

Representative(s) Goldstein offered the following:

(Amendment Bar Code: 851689)

Amendment 1 (with title amendment)—Remove line(s) 28-107 and insert:
geographical region of the state. Service delivery shall be consistent for all centers. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, Clay, Duval, Flagler, Nassau, and St. Johns Counties.

(d) The Louis de la Parte Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, ~~Indian River,~~ Lee, Manatee, ~~Martin, Okeechobee,~~ Pasco, Pinellas, Polk, ~~St. Lucie,~~ and Sarasota Counties.

(e) The Mailman Center for Child Development and the Department of Psychology at the University of Miami, which serves Broward, Dade, and Monroe~~, and Palm Beach~~ Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

(g) The Department of Exceptional Student Education at Florida Atlantic University, which serves Palm Beach, Martin, St. Lucie, Okeechobee, and Indian River Counties.

(2) There is established for each center a constituency board, which shall work collaboratively with the center. Each board shall consist of no fewer than six members, each of whom is either an individual who has a disability that is described in subsection (1) or is a member of a family that includes a person who has such a disability, who are selected by each university president from a list that has been developed by the Autism Society of Florida and other relevant constituency groups that represent persons who have sensory impairments as described in subsection (1). As representatives of the center's constituencies, these boards shall meet quarterly with the staff of each of the centers to provide advice on policies, priorities, and activities. Each board shall submit to the university president and to the Department of Education an annual report that evaluates the activities and accomplishments of its center during the year. The board for each center should raise funds equivalent to 2 percent of the total funds allocated to that center in each fiscal year.

(3) To promote statewide planning and coordination, a conference must be held annually for staff from each of the seven ~~five~~ centers and representatives from each center's constituency board. The purpose of the conference is to facilitate coordination, networking, cross-training, and feedback among the staffs and constituency boards of the centers.

(4)(a) Each center shall provide:

1.~~(a)~~ A staff that has expertise in autism and autistic-like behaviors and in sensory impairments.

2.~~(b)~~ Individual and direct family assistance in the home, community, and school. A center's assistance should not supplant other responsibilities of state and local agencies, and each school district is responsible for providing an appropriate education program for clients of a center who are school age.

3.~~(c)~~ Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client's family, and the school district, and any other services that are appropriate.

4.~~(d)~~ Professional training programs that include developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the centers and their families.

5.~~(e)~~ Public education programs to increase awareness of the public about autism, autistic-related disabilities of communication and behavior, dual sensory impairments, and sensory impairments with other handicapping conditions.

(b) Direct medical intervention or pharmaceutical intervention is prohibited in any center on or after July 1, 2008.

Remove line(s) 11 and insert:
encouraging each constituency board to raise funds;

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

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

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 9:00 a.m., Thursday, April 28, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 411.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 531.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 763.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 841.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 951.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

First Reading by Publication

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 370 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Justice Appropriations, Judiciary and Senator Campbell—

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 434, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Commerce and Consumer Services,

Governmental Oversight and Productivity and Senators Wise, Fasano, Haridopolos, Rich, and Jones—

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1910 and requests the concurrence of the House. In the event that the House refuses to pass CS for CS for SB 1910 as passed by the Senate, the Senate requests that CS for CS for SB 1910 be included in the appropriations conference.

Faye W. Blanton, Secretary

By the Committees on Transportation and Economic Development Appropriations, Children and Families and Senators King and Lynn—

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

Referred to Commerce Council.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2574 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Atwater and Crist—

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; providing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; 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. Clarke:

Yeas—April 26: 242

Rep. Dean:

Yeas—April 7: 98; April 19: 169, 170, 171

Rep. Kendrick:

Yeas to Nays—April 22: 230

Nays to Yeas—April 22: 230

Rep. Slosberg:

Yeas—April 21: 206, 207, 208; April 22: 210, 212, 216, 218, 219, 220, 221, 222, 223, 225, 228

Nays—April 22: 211, 213, 214, 215, 217

Cosponsors

HB 15—Holloway, Sansom, Zapata

HB 83—Roberson

HB 111—Zapata

HB 121—Bullard

HB 125—Holloway

HB 153—Holloway

HB 173—Ambler, Goldstein, Planas, Traviesa

HB 193—Zapata

HB 197—Fields, Kendrick, Ross

HB 209—Antone, Bogdanoff, Bullard, Goldstein, Zapata

HB 211—Holloway

HB 257—Domino, Holloway

HB 263—Holloway

HB 373—Grimsley

HB 395—Clarke, A. Gibson, Homan, Needelman, Stargel

HB 463—Holloway

HB 545—Holloway

HB 569—Stargel

HB 647—Hasner

HB 805—Sobel

HB 817—Cannon

HB 885—Zapata

HB 949—Bullard

HB 955—Adams

HB 959—Allen, A. Gibson, Stargel

HB 993—Allen

HB 1071—Bullard

HB 1081—Zapata

HB 1141—Zapata

HB 1265—Brandenburg

HB 1297—Troutman

HB 1319—Holloway

HB 1395—Zapata

HB 1399—Zapata

HB 1417—Zapata

HB 1459—Bilirakis, Murzin

HB 1471—Brummer, Sansom

HB 1475—Attkisson, Barreiro, Bogdanoff, Bucher, Bullard, D. Davis, Domino, Fields, Galvano, A. Gibson, Glorioso, Goldstein, Greenstein, Holloway, Homan, Kreegel, Legg, Llorente, Machek, Mahon, Murzin, Needelman, Rice, Rivera, Sands, Slosberg, Sobel

HB 1513—Sands, Troutman

HB 1567—Homan

HB 1597—Ambler, Farkas, Henriquez, Homan

HB 1599—Bullard

HB 1645—Farkas

HB 1701—Holloway, Poppell

HB 1703—Poppell

HJR 1723—Galvano

HB 1725—Farkas

HJR 1727—Galvano, Needelman, Williams

HJR 1741—Galvano, Needelman

HB 1835—Ambler, Anderson, Benson

HB 1859—Ambler

HB 1877—Bullard

HCR 1879—Bullard

HB 1927—Zapata

HR 9137—Stargel

HR 9145—Stargel

HR 9155—Stargel

Introduction and Reference

By Representative Goldstein—

HR 9189—A resolution honoring Sarah Moeller.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gannon—

HR 9191—A resolution recognizing RESPECT of Florida for promoting quality jobs for Floridians with disabilities.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Flores—

HR 9193—A resolution recognizing January 2006 as "Cervical Cancer Awareness Month" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kravitz—

HR 9195—A resolution commending the Nease High School girls' soccer team on winning the Class 4A State Championship.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Jennings—

HR 9197—A resolution designating May 15-21, 2005, as "Hurricane Preparedness Week" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

Combined Bills

By the Education Council; PreK-12 Committee; and Choice & Innovation Committee; Representatives Quinones, Traviesa, Glorioso, Attkisson, Bean, Reagan, Hasner, Grant, Proctor, Planas, Pickens, Patterson, Needelman, Murzin, Mayfield, Lopez-Cantera, Llorente, Littlefield, Legg, Kreegel, Kottkamp, Jordan, Homan, Hays, Harrell, Goodlette, Goldstein, Flores, Farkas, Culp, Cretul, Carroll, Cannon, Brummer, Brown, Bowen, Bogdanoff, Baxley, Ambler, Altman, Bucher, Rivera, Robaina, Sansom, Stargel, Troutman, Williams, and Zapata—

HCB 6007 (for HBs 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creating s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and

specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Reference of Combined Bills

HCB 6005 (for HBs 119, 167, 935, 1613, 1655, 1837, 1853)—Referred to the Calendar of the House.

House Resolutions Adopted by Publication

At the request of Rep. Legg—

HR 9089—A resolution recognizing Dr. Robert W. Judson, Jr.

WHEREAS, Dr. Robert W. (Bob) Judson, Jr., has spent 33 distinguished years at Pasco-Hernando Community College and is the last of the original employees who began on July 1, 1972, and

WHEREAS, Bob Judson has performed admirably in a variety of positions at Pasco-Hernando Community College, culminating in his serving since July 1, 1994, as the college's second president, and

WHEREAS, the college has grown in the vision of Bob Judson and thrived under his leadership and today offers excellent instruction in both credit and noncredit programs at three campuses and a center and via distance-learning programs that serve the residents of Pasco and Hernando counties, and

WHEREAS, Bob Judson has inspired college faculty, staff, and administrators who have supported and implemented his vision of a comprehensive educational experience for students, including access to student activities, cultural events, and state-of-the-art technological and academic experiences, and

WHEREAS, Bob Judson has fostered strong ties among business and industry to meet the area's economic development needs, especially in the area of trained health care workers, and

WHEREAS, Bob Judson has advocated loudly and strongly for the value and the needs of Florida's Community College System and of Pasco-Hernando Community College, and

WHEREAS, Bob Judson retired on January 21, 2005, marking the

end of an illustrious career and 33 years of dedicated service to the college and to the thousands of students who have attended Pasco-Hernando Community College, NOW, THEREFORE,

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

That the House of Representatives commends Dr. Robert W. Judson, Jr., for his many years of outstanding leadership and service to Pasco-Hernando Community College and to the residents of Pasco and Hernando counties.

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

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. H. Gibson—

HR 9175—A resolution recognizing the accomplishments of Florida's Hometown U.S.A. participants for the year 2005.

WHEREAS, Florida's Hometown U.S.A., an educational youth program organized in 1986, plays a significant role in the development of young people in the State of Florida by encouraging their active involvement in home, church, school, and community activities, and

WHEREAS, recognizing that today's students will carry with them into tomorrow's society those values and skills learned in their youth, Florida Hometown U.S.A. seeks out five young women each year and provides them opportunities to represent their hometowns while performing volunteer service throughout the state, and

WHEREAS, opportunities for service have run the gamut from distributing toys to youngsters in children's hospitals to entertaining residents of nursing homes and retirement centers, from sharing smiles with patients of veterans hospitals to participating in sing-alongs with lonely seniors, and from distributing food to needy families to acting as Grand Marshals in the Walt Disney World Parade, and

WHEREAS, in addition to having received recognition from the President of the United States, as well as from the Vice President, the First Lady, and the United States Congress, the young representatives of Florida's Hometown U.S.A. have been commended by the Governor, the Florida Legislature, and the State Department of Commerce, and

WHEREAS, especially meaningful during this year of service is the annual trip to the State Capital, where the young women are conducted on a tour of the Capitol and shown points of interest around the city, with emphasis on the state government and the history of Florida, and

WHEREAS, the five outstanding representatives of Florida Hometown U.S.A. for the year 2005 are Lexie Zarifis, from Rotoada West; Katelyn Wildes, from Callahan; Courtney Larkin, from Marianna; Meagan Waters, from Groveland; and Cassie Burbank, from Leesburg, NOW, THEREFORE,

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

That the House of Representatives enthusiastically recognizes Florida's Hometown U.S.A. participants for the year 2005 as extraordinary examples of the state's fine young ladies and extends to them its sincere good wishes in their future endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to each of these young people as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Peterman—

HR 9181—A resolution honoring Turn Around St. Petersburg-Wrice Process Drugfighters.

WHEREAS, illegal drugs and associated crime can destroy families and neighborhoods of all economic and social strata, and

WHEREAS, Turn Around St. Petersburg-Wrice Process (TASP-WP) and its 34th Street Federation have brought together from across the city all races, as well as old and young, rich and poor, and represent cooperative efforts by St. Petersburg's neighborhoods to reclaim their area from drug dealers and thereby transform their community, and

WHEREAS, the Wrice Marches of Turn Around St. Petersburg-Wrice Process, begun in 1995 and renewed in 2003, represent a true partnership among residents, neighborhoods, police, and the city, and the ongoing marches and vigils are becoming catalysts for community and economic development, providing opportunities for increased children and youth initiatives, more and better housing, and local business development, and

WHEREAS, by wearing their signature yellow drugfighting shirts, the TASP-WP participants are making every Friday "Up with Hope, Down with Dope Day" and, in partnership with police and in conjunction with Court Watch and the Pinellas County State Attorney's Office, attend drug dealer court cases ensuring that the neighborhoods' voices are heard, and

WHEREAS, St. Petersburg's mayor and city council members have displayed strong leadership, participation, and support of the TASP-WP, and in 1997 the city's Neighborhood Partnership Office sponsored the Turn Around America National Drugfighters Reunion and has worked to develop TASP-WP into a statewide and even national model through its help in providing satellite and onsite training for other neighborhoods and cities in Florida, and

WHEREAS, the neighborhood drugfighters, through their volunteer spirit and their "a people united will never be defeated" attitude, have displayed extraordinary leadership, tenacity, commitment, and courage and have become real-life heroes, inspiring young and old alike, NOW, THEREFORE,

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

That the House of Representatives takes great pride in honoring the Turn Around St. Petersburg-Wrice Process Drugfighters and expresses sincere appreciation for their admirable, exemplary efforts.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 26:

The Justice Council reported the following favorably:
HB 113 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 967 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 1263 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 1517 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Received April 27:

The Health & Families Council reported the following favorably:
HB 495 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 881 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1107

The above bill was placed on the Calendar of the House.

The Health & Families Council reported the following favorably:
HB 1267

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 1451 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1621 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 1645 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 1881 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Excused

Rep. Brutus

The following Conference Committee Managers were excused from time to time:

SB 2600 and related legislation: Rep. Negron, Chair; Rep. Mahon, Vice Chair; Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture & Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation & Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:21 p.m., to reconvene at 9:00 a.m., Thursday, April 28, or upon call of the Chair.