Journal of the Senate

Number 26—Regular Session **Thursday, May 5, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:52 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor Lionel Leonard, House of Comfort and Refuge Ministries, Tallahassee:

O Lord, our God: We come humbly before your presence, submitting our will unto you that you will provide unto us this day your divine guidance. We pray that you will direct every thought and every action of these distinguished senators of the State of Florida.

We thank you for this day that thou have made, and for blessing us with reasonable health and strength. Lord, we thank you for touching the hearts of these senators who thought it not robbery to take unto themselves the awesome responsibility to establish laws and regulations by which the citizens of the great State of Florida may enjoy a better quality of life. Legislation that will enhance our communities; where we may feel safe and secure as we enjoy all the blessings and benefits that are afforded us as citizens of the State of Florida, and this great nation. Because of their love and concern for the people, Lord, you have blessed them to willingly make great sacrifices of their time, their energies, and even their families. For this, we say thank you.

Dear God, bless them with the wisdom of Solomon, the integrity of Joseph, and the strength of Samson, that they may be guided by you during these last few hours of deciding the critical issues that must be done for the well-being of all citizens of the State of Florida. Allow them to be steadfast, unmovable, and always abounding in the charge and responsibilities that have been entrusted upon them.

Hear our prayer, O Lord, incline thine ear unto us. This we pray in thy name. Amen.

PLEDGE

Senate Pages Danielle Sewell of Groveland; Joia Jefferson of Tallahassee; William S. Santiago of Winter Garden; and Abigail Carbonell of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Leon "Skip" Beeler of Kennedy Space Center, sponsored by Senator Haridopolos, as doctor of the day. Dr. Beeler specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senator King—

SR 2790—A resolution recognizing Lucy Morgan, Capital Bureau Chief and Associate Editor of the St. Petersburg Times, upon the occasion of her retirement following a distinguished career.

WHEREAS, Lucy Morgan joined the St. Petersburg Times staff in 1968, beginning an eventful career during which she risked an 8-month jail term in 1973 in order to protect the identity of confidential sources and won the Pulitzer Prize in 1985 for investigative reporting, and

WHEREAS, Lucy became the Tallahassee Bureau Chief for the Times in 1986 and has covered the Senate a decade longer than any current incumbent Senator has been in the Senate, and

WHEREAS, Lucy always favored covering the Senate over the House - particularly since she shattered her ankle in the House press gallery in 2000, and

WHEREAS, reporters who have learned about Florida politics and government working under Bureau Chief Lucy Morgan have gone on to The New York Times, Los Angeles Times, Washington Post, Wall Street Journal, Chicago Tribune, and Boston Globe, and

WHEREAS, in the era before cell phones and e-mails, Lucy Morgan researched her stories the old-fashioned way: tracking lobbyists and legislators through the Capitol hallways, into hideaway offices, over to Clyde's, and on to the Silver Slipper, and

WHEREAS, Lucy is particularly adept at conning Senators into giving her budget documents and proposed bills they haven't read, and then turning the documents and bills over to her reporters so she won't have to read them either, and

WHEREAS, many a legislator has felt a mixture of anticipation and dread upon seeing a message that "Lucy Morgan from the St. Pete Times called," and

WHEREAS, for many legislators, nothing has been more frustrating than to arrive at a secret meeting only to look up and see Lucy sitting in the room, holding a yellow legal pad, and taking copious notes, and

WHEREAS, Lucy has been a powerful force for public records and open meetings in this state, and has helped set a standard for reporting that keeps Floridians informed and holds public officials accountable, and

WHEREAS, this is Lucy's last Regular Session of the Legislature before she retires in November, NOW, THEREFORE,

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

That Lucy Morgan, Capital Bureau Chief of the St. Petersburg Times, is commended for her service to the State of Florida and for her commitment to a free and independent press.

BE IT FURTHER RESOLVED that, in honor of her retirement from the Capitol Press Corps, the Senate Press Gallery is hereby designated as the "Lucy Morgan Senate Press Gallery."

—was introduced out of order and read by title. On motion by Senator King, **SR 2790** was read the second time in full and adopted. The vote on adoption was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

At the request of Senator Bullard—

By Senator Bullard—

SR 1740—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, Sunday, June 19, 2005, has been designated as Father's Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the Florida Senate do hereby express to their own fathers and to all fathers, on behalf of the people of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of the love and respect that the members hold for all fathers.

—**SR 1740** was introduced, read and adopted by publication.

At the request of Senator Argenziano—

By Senator Argenziano—

SR 2784—A resolution recognizing October 2005 as "Breast Cancer Awareness Month" in Florida.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks third in the nation for total number of new breast cancer cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer and the single most important risk factor is age, such that breast cancers predominantly occur in women age 50 and older, and the risk increases with age until age 80, and

WHEREAS, the American Cancer Society estimates that more than 13,430 new cases of invasive breast cancer in Florida will be diagnosed, and approximately 2,570 women will die of the disease during the year 2005, and

WHEREAS, a woman living in Florida has a one in seven chance of developing breast cancer, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women and the number one cause of cancer death among African-American women, and

WHEREAS, early detection, through routine clinical examinations and mammography screening beginning at age 40 in compliance with the American Cancer Society's recommended guidelines, is the key to detecting breast cancer at the earliest stages, and

WHEREAS, the 5-year survival rate for breast cancer, if the disease is found in its earliest stages, is 98 percent, but drops to 26 percent if the cancer is detected late, in a stage of metastases, and

WHEREAS, in conjunction with the promotion of October as Breast Cancer Awareness Month, breast cancer awareness programs, such as the American Cancer Society's Reach to Recovery Program, promotes early breast cancer detection through regular screening, NOW, THEREFORE,

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

That the month of October 2005 is recognized as "Breast Cancer Awareness Month" in Florida and all women are urged to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures, such as mammography, in compliance with the American Cancer Society's recommended guidelines for breast cancer screening.

—**SR 2784** was introduced, read and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Argenziano—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for purposes of ch. 550, F.S., to include a jai alai permitholder who conducted a certain number of live performances in a specified time

period; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Argenziano and failed:

Amendment 1 (432388)(with title amendment)—On page 1, delete line 28 and insert: *alai permitholder who does not operate slot machines within the permitholder's licensed pari-mutual facility and under whose permit a minimum of 100 live*

And the title is amended as follows:

On page 1, line 6, after "permitholder" insert: who does not operate slot machines in a licensed pari-mutual facility and

Senator Argenziano moved the following amendment which was adopted:

Amendment 2 (612518)(with title amendment)—On page 1, line 27 through page 2, line 1, delete those lines and insert: performances during either of the 2 preceding years; *for a jai alai permitholder that does not operate slot machines in its pari-mutuel facility, that has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder that operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year;* for a harness permitholder, the conduct of at

And the title is amended as follows:

On page 1, lines 4-7, delete those lines and insert: schedule of live racing or games" for certain jai alai permitholders;

Pursuant to Rule 4.19, **SB 342** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2070**, **CS for SB 2564**, **CS for SB 2566**, **CS for SB 2568**, **CS for CS for SB 1488**, **CS for CS for SB 1478**, **CS for CS for CS for SB 1174**, **CS for CS for CS for SB 2068**, **CS for CS for SB 2480** and **SB 2000** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

Consideration of **HJR 1723**, **HJR 1727**, **HJR 1741** and **HB 1471** was deferred.

HB 1267—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing for alternative bed locations in nursing home rooms and providing criteria for bed placement; requiring a signed statement from the resident or representative if the alternative bed placement is not in compliance with the Florida Building Code; requiring the facility to maintain a log of alternative bed placements and to retain the signed statements; requiring the nursing home to notify the Agency for Health Care Administration with respect to such practice; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1267** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Atwater, by two-thirds vote **HB 1813** was withdrawn from the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater, the rules were waived and by two-thirds vote—

HB 1813—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of airplanes; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered yacht broker or dealer in this state under certain conditions; amending s. 212.11, F.S.; correcting a cross reference; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; providing penalties; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability;

providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; providing applicability; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; amending s. 624.509, F.S.; revising a definition to clarify that adjusters, managing general agents, and service representatives are employees; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; providing effective dates.

—a companion measure, was substituted for **CS for SB 2032** as amended and read the second time by title and by two-thirds vote read the third time by title.

Senator Atwater moved the following amendment:

Amendment 1 (635506)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 95.091, Florida Statutes, is amended to read:

95.091 Limitation on actions to collect taxes.—

(3)(a) With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to *ss.* ~~s.~~ 220.23 *and 624.50921*, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer and the Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer:

1.a. For taxes due before July 1, 1999, within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later; and for taxes due on or after July 1, 1999, within 3 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

b. Effective July 1, 2002, notwithstanding sub-subparagraph a., within 3 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

2. For taxes due before July 1, 1999, within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;

3. At any time while the right to a refund or credit of the tax is available to the taxpayer;

4. For taxes due before July 1, 1999, at any time after the taxpayer has filed a grossly false return;

5. At any time after the taxpayer has failed to make any required payment of the tax, has failed to file a required return, or has filed a fraudulent return, except that for taxes due on or after July 1, 1999, the limitation prescribed in subparagraph 1. applies if the taxpayer has disclosed in writing the tax liability to the department before the department has contacted the taxpayer; or

6. In any case in which there has been a refund of tax erroneously made for any reason:

a. For refunds made before July 1, 1999, within 5 years after making such refund; and

b. For refunds made on or after July 1, 1999, within 3 years after making such refund,

or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

Section 2. Subsection (2) of section 198.32, Florida Statutes, is amended to read:

198.32 Prima facie liability for tax.—

(2) Whenever an estate is not subject to tax under this chapter and is not required to file a return, the personal representative may execute an affidavit attesting that the estate is not taxable. The form of the affidavit shall be prescribed by the department, and shall include, but not be limited to, statements regarding the decedent's domicile and whether a federal estate tax return will be filed, and acknowledgment of the personal representative's personal liability under s. 198.23. This affidavit shall be subject to record and admissible in evidence to show nonliability for tax. *This subsection applies to all estates, regardless of the date of death of the decedent.*

Section 3. Subsection (5) is added to section 199.135, Florida Statutes, to read:

199.135 Due date and payment of nonrecurring tax.—The nonrecurring tax imposed on notes, bonds, and other obligations for payment of money secured by a mortgage, deed of trust, or other lien evidenced by a written instrument presented for recordation shall be due and payable when the instrument is presented for recordation. If there is no written instrument or if it is not so presented within 30 days following creation of the obligation, then the tax shall be due and payable within 30 days following creation of the obligation.

(5)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on notes or other obligations secured by a mortgage, deed of trust, or other lien upon real property situated in this state executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The mortgage, deed of trust, or other lien is recorded; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due under this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department under subparagraph (a)2., and the note, other written obligation, mortgage, deed of trust, or other lien with respect to which the tax was paid is subsequently recorded, a notation reflecting the prior payment of the tax must be made upon the mortgage or other lien.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but the mortgage, deed of trust, or other lien with respect to which the tax was collected has not been recorded or filed in this state, the tax must be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow, unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 4. Subsection (10) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(10)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on deeds or other instruments conveying any interest in Florida real property which are executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The deed or other instrument conveying the interest in Florida real property is recorded; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due pursuant to this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department pursuant to subparagraph (a)2., and the deed or other instrument conveying the interest in Florida real property with respect to which the tax was paid is subsequently recorded, a notation reflecting the prior payment of the tax must be made upon the deed or other instrument conveying the interest in Florida real property.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but a default or cancellation occurs pursuant to s. 721.08(2)(a) or s. 721.08(2)(b) and no deed or other instrument conveying interest in Florida real property has been recorded or delivered to the purchaser, the tax must be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 5. Subsection (8) is added to section 201.08, Florida Statutes, to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(8)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on notes or other written obligations and mortgages or other evidences of indebtedness executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The note, other written obligation, mortgage or other evidence of indebtedness is recorded or filed in this state; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due under this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department pursuant to subparagraph (a)2., and the note, other written obligation, mortgage, or other evidence of indebtedness with respect to which the tax was paid is subsequently recorded or filed in this state, a notation reflecting the prior payment of the tax must be made upon the note, other written obligation, mortgage, or other evidence of indebtedness recorded or filed in this state.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but the note, other written obligation, mortgage, or other evidence of indebtedness with respect to which the tax was collected has not been recorded or filed in this state, the tax shall be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow, unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 6. Paragraph (a) of subsection (15) of section 202.11, Florida Statutes, is amended to read:

202.11 Definitions.—As used in this chapter:

(15) "Service address" means:

(a) Except as otherwise provided in this section:~~,~~

1. The location of the communications equipment from which communications services originate or at which communications services are received by the customer*;*~~.~~

2. In the case of a communications service paid through a credit or payment mechanism that does not relate to a service address, such as a bank, travel, debit, or credit card, and in the case of third-number and calling-card calls, the *term* "service address" *means* ~~is~~ the address of the central office, as determined by the area code and the first three digits of the seven-digit originating telephone number*; or*~~.~~

3. If the location of the equipment described in subparagraph 1. is not known and subparagraph 2. is inapplicable, the term "service address" means the location of the customer's primary use of the communications service. For the purposes of this subparagraph, the location of the customer's primary use of a communications service is the residential street address or the business street address of the customer.

Section 7. Subsection (6) is added to section 206.09, Florida Statutes, to read:

206.09 Reports from carriers transporting motor fuel or similar products.—

(6) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 8. Subsection (4) is added to section 206.095, Florida Statutes, to read:

206.095 Reports from terminal operators.—

(4) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 9. Subsection (6) is added to section 206.14, Florida Statutes, to read:

206.14 Inspection of records; audits; hearings; forms; rules and regulations.—

(6) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 10. Subsection (1) of section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(1) The records and files in the office of the department appertaining to parts I and II of this chapter shall be available in Tallahassee to the public at any time during business hours. The department shall prepare *and make available* a list each month of all current licensed terminal suppliers, importers, exporters, and wholesalers which also shall include all new licenses issued and all licenses canceled during the past 12 months~~, and mail a copy thereof to each licensee~~. Such list shall be used to verify license numbers of purchasers issuing exemption certificates or affidavits.

Section 11. Subsection (3) is added to section 206.485, Florida Statutes, to read:

206.485 Tracking system reporting requirements.—

(3) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 12. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, *under* ~~pursuant to~~ an ordinance enacted by the governing body of the county, a levy

on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, ~~or~~ auditoriums, *or golf courses,* and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.a. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a., sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.d. As a condition precedent to receiving funding, the governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to:

(I) Approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue.

(II) Appoint and dismiss the authority's executive director, general counsel, and any other consultants retained by the authority. The governing body shall have the right to approve or disapprove the initial appointment of the authority's executive director and general counsel.

b. The members of each such authority shall serve for a term of not less than 1 year and shall be appointed by the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality. If the governing body does not approve the budget, the authority shall use as the authority's budget the previous fiscal year budget.

c. The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 13. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.

a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or *aircraft* ~~airplane~~ by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat *or aircraft* will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to

participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or the purchaser removes a nonqualifying boat or an *aircraft* ~~airplane~~ from this state within 10 days after the date of purchase or, when the boat or *aircraft* ~~airplane~~ is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or *aircraft* ~~airplane~~ outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or *aircraft* ~~airplane~~ from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within 90 days after purchase or a nonqualifying boat or an *aircraft* ~~airplane~~ from this state within 10 days after purchase or, when the boat or *aircraft* ~~airplane~~ is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or *aircraft* ~~airplane~~ to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or *aircraft* ~~airplane~~ and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The 90-day period following the sale of a qualifying boat tax exempt to a nonresident may not be tolled for any reason. Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.

Section 14. Paragraph (e) of subsection (1) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(e)1. Notwithstanding any other provision of this chapter, tax shall not be imposed on any vessel registered *under* ~~pursuant to~~ s. 328.52 by a vessel dealer or vessel manufacturer with respect to a vessel used solely for demonstration, sales promotional, or testing purposes. The term "promotional purposes" shall include, but not be limited to, participation in fishing tournaments. For the purposes of this paragraph, "promotional purposes" means the entry of the vessel in a marine-related event where prospective purchasers would be in attendance, where the vessel is entered in the name of the dealer or manufacturer, and where the vessel is clearly marked as for sale, on which vessel the name of the dealer or manufacturer is clearly displayed, and which vessel has never been transferred into the dealer's or manufacturer's accounting books from an inventory item to a capital asset for depreciation purposes.

2. The provisions of this paragraph do not apply to any vessel when used for transporting persons or goods for compensation; when offered, let, or rented to another for consideration; when offered for rent or hire as a means of transportation for compensation; or when offered or used to provide transportation for persons solicited through personal contact or through advertisement on a "share expense" basis.

3. Notwithstanding any other provision of this chapter, tax may not be imposed on any vessel imported into this state for the sole purpose of being offered for sale at retail by a yacht broker or yacht dealer registered in this state if the vessel remains under the care, custody, and control of the registered broker or dealer and the owner of the vessel does not make personal use of the vessel during that time. The provisions of this chapter govern the taxability of any sale or use of the vessel subsequent to its importation under this provision.

Section 15. Paragraph (e) of subsection (4) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(4)

(e) The penalty provisions of this chapter, except *s. 212.12(2)(f)* ~~s. 212.12(2)(e)~~, apply to the provisions of this subsection.

Section 16. Present paragraph (e) of subsection (2) of section 212.12, Florida Statutes, is redesignated as paragraph (f), present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (e) is added to that subsection, to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(e) A person who willfully attempts in any manner to evade any tax, surcharge, or fee imposed under this chapter or the payment thereof is, in addition to any other penalties provided by law, liable for a specific penalty in the amount of 100 percent of the tax, surcharge, or fee, and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g)~~(f)~~ *A dealer who files* ~~Dealers filing~~ a consolidated return pursuant to s. 212.11(1)(e) *is* ~~shall be~~ subject to the penalty established in paragraph (e) unless the dealer has paid the required estimated tax for his or her consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his or her consolidated return as a whole, each filing location shall stand on its own with respect to calculating penalties pursuant to paragraph *(f)* ~~(e)~~.

Section 17. Paragraph (l) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(l) Information relative to chapter 212 *and the Bill of Lading Program* to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of *its official duties* ~~the Bill of Lading Program~~. ~~This information is limited to the business name and whether the business is in compliance with chapter 212.~~

Section 18. Subsection (10) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(10)(a) ~~Effective July 1, 2003,~~ Notwithstanding any other provision of law and solely for the purpose of administering the *taxes* ~~tax~~ imposed by *ss. 125.0104 and 125.0108, and* chapter 212, *except s. 212.0606,* under the circumstances set forth in this subsection, the department shall settle or compromise a taxpayer's liability for penalty without requiring the taxpayer to submit a written request for compromise or settlement.

(b) For taxpayers who file returns and remit tax on a monthly basis:

1. Any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period, resolution of the current noncompliant filing event through payment of tax and interest and the filing of a return within 30 days after notification by the department, and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

2. If a taxpayer has two or more noncompliant filing events in the immediately preceding 12-month period, the taxpayer shall be liable, absent a showing by the taxpayer that the noncompliant filing event was due to extraordinary circumstances, for the penalties provided in *s. 125.0104 or s. 125.0108 and* s. 212.12, including loss of collection allowance, and shall be reported to a credit bureau.

(c) For taxpayers who file returns and remit tax on a quarterly basis, any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

(d) For purposes of this subsection:

1. "Noncompliant filing event" means a failure to timely file a complete and accurate return required under *s. 125.0104, s. 125.0108, or* chapter 212 or a failure to timely pay the amount of tax reported on a return required by *s. 125.0104, s. 125.0108, or* chapter 212.

2. "Extraordinary circumstances" means the occurrence of events beyond the control of the taxpayer, such as, but not limited to, the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer's employees or representatives responsible for compliance with *s. 125.0104, s. 125.0108, or* ~~the provisions of~~ chapter 212. With respect to the acts of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

Section 19. *The amendment to section 213.21(10), Florida Statutes, as made by this act, shall operate retroactively to July 1, 2003.*

Section 20. Subsections (1) and (2) of section 213.27, Florida Statutes, are amended to read:

213.27 Contracts with debt collection agencies and certain vendors.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, including taxes for which a bill or notice has been generated, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. The department may also share confidential information pursuant to the contract necessary for the collection of delinquent taxes and taxes for which a billing or notice has been generated. Contracts will be made pursuant to chapter 287. The taxpayer must be notified by mail by the department, its employees, or its authorized representative *at least* 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by mail by the department *at least* 30 days prior to the *initial assignment by the* department *of the taxpayer's account for* ~~assigning~~ the collection of any taxes *by* ~~to~~ the debt collection agency.

(2) The department may enter into contracts with any individual or business for the purpose of identifying intangible personal property tax liability. Contracts may provide for the identification of assets subject to the tax on intangible personal property, the determination of value of such property, the requirement for filing a tax return and the collection of taxes due, including applicable penalties and interest thereon. The department may share confidential information pursuant to the contract necessary for the identification of taxable intangible personal property. Contracts shall be made pursuant to chapter 287. The taxpayer must be notified by mail by the department *at least* 30 days prior to the department assigning identification of intangible personal property to an individual or business.

Section 21. Subsection (2) of section 215.26, Florida Statutes, is amended to read:

215.26 Repayment of funds paid into State Treasury through error.—

(2) Application for refunds as provided by this section must be filed with the Chief Financial Officer, except as otherwise provided in this subsection, within 3 years after the right to the refund has accrued or else the right is barred. Except as provided in chapter 198*,* ~~and~~ s. 220.23*, and s. 624.50921*, an application for a refund of a tax enumerated in s. 72.011, which tax was paid after September 30, 1994, and before July 1, 1999, must be filed with the Chief Financial Officer within 5 years after the date the tax is paid, and within 3 years after the date the tax

was paid for taxes paid on or after July 1, 1999. The Chief Financial Officer may delegate the authority to accept an application for refund to any state agency, or the judicial branch, vested by law with the responsibility for the collection of any tax, license, or account due. The application for refund must be on a form approved by the Chief Financial Officer and must be supplemented with additional proof the Chief Financial Officer deems necessary to establish the claim; provided, the claim is not otherwise barred under the laws of this state. Upon receipt of an application for refund, the judicial branch or the state agency to which the funds were paid shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the judicial branch or such state agency shall notify the applicant stating the reasons therefor. Upon approval of an application for refund, the judicial branch or such state agency shall furnish the Chief Financial Officer with a properly executed voucher authorizing payment.

Section 22. Effective for policies issued or renewed on or after January 1, 2006, section 252.372, Florida Statutes, is amended to read:

252.372 Imposition and collection of surcharge.—In order to provide funds for emergency management, preparedness, and assistance, an annual surcharge of $2 per policy shall be imposed on every homeowner's, mobile home owner's, tenant homeowner's, and condominium unit owner's policy, and an annual $4 surcharge shall be imposed on every commercial fire, commercial multiple peril, and business owner's property insurance policy, issued or renewed on or after May 1, 1993. The surcharge shall be paid by the policyholder to the insurer. The insurer shall collect the surcharge and remit it to the Department of Revenue, which shall collect, administer, audit, and enforce the surcharge pursuant to s. 624.5092. The surcharge is not to be considered premiums of the insurer; however, nonpayment of the surcharge by the insured may be a valid reason for cancellation of the policy. *For those policies in which the surplus lines tax and the service fee are collected and remitted to the Surplus Lines Service Office, as created under s. 626.921, the surcharge must be remitted to the service office at the same time as the surplus lines tax is remitted. All penalties for failure to remit the surplus lines tax and service fee are applicable for those surcharges required to be remitted to the service office. The service office shall deposit all surcharges that it collects into the Emergency Management, Preparedness, and Assistance Trust Fund at least monthly.* All proceeds of the surcharge shall be deposited in the Emergency Management, Preparedness, and Assistance Trust Fund and may not be used to supplant existing funding.

Section 23. Effective January 1, 2006, paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended, present paragraphs (g), (h), (i), and (j) of that subsection are redesignated as paragraphs (h), (i), (j), and (k), respectively, and a new paragraph (g) is added to that subsection to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e) Assignment of variations from the standard rate.—

1. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-subparagraphs a.-c. shall be added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-subparagraphs a.-c. shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)2. shall be charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-subparagraphs a.-c. to the gross benefit ratio shall be multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor shall be reduced in order that the sum equals the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products shall be divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio shall be subtracted from the sum of the adjustment factors computed under sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor shall be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor shall be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits shall be computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

b. An adjustment factor for excess payments shall be computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-subparagraph a. As used in this sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)2., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers *that were* eligible *to be considered* for *assignment of a contribution rate different* ~~a variation~~ from the standard rate.

c. If the balance of the Unemployment Compensation Trust Fund on June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.7 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor shall be computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of that calendar year and the sum of 4.7 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 3.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. If the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor shall be computed. The negative adjustment factor shall be computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of the current calendar year and

4.7 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate is less than 4.7 percent, but more than 3.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

d. The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

2. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

(g) Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-subparagraph a., the Agency for Workforce Innovation or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not at the time an employer under this chapter acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if the Agency for Workforce Innovation or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter relating to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year.

b. If the person is not an employer, the person shall be subject to a civil penalty of not more than $5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For the purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

c. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

d. "Trade or business" includes the employer's workforce.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The Agency for Workforce Innovation and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

Section 24. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) Failure to make reports and pay contributions.—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of the Agency for Workforce Innovation or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by ~~registered or certified~~ mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(3) COLLECTION PROCEEDINGS.—

(a) Lien for payment of contributions or reimbursements.—

1. There is created a lien in favor of the tax collection service provider upon all the property, both real and personal, of any employer liable for payment of any contribution or reimbursement levied and imposed under this chapter for the amount of the contributions or reimbursements due, together with interest, costs, and penalties. If any contribution or reimbursement imposed under this chapter or any portion of that contribution, reimbursement, interest, or penalty is not paid within 60 days after becoming delinquent, the tax collection service provider may subsequently issue a notice of lien that may be filed in the office of the clerk of the circuit court of any county in which the delinquent employer owns property or has conducted business. The notice of

lien must include the periods for which the contributions, reimbursements, interest, or penalties are demanded and the amounts due. A copy of the notice of lien must be mailed to the employer at her or his last known address ~~by registered mail~~. The notice of lien may not be issued and recorded until 15 days after the date the assessment becomes final under subsection (2). Upon presentation of the notice of lien, the clerk of the circuit court shall record it in a book maintained for that purpose, and the amount of the notice of lien, together with the cost of recording and interest accruing upon the amount of the contribution or reimbursement, becomes a lien upon the title to and interest, whether legal or equitable, in any real property, chattels real, or personal property of the employer against whom the notice of lien is issued, in the same manner as a judgment of the circuit court docketed in the office of the circuit court clerk, with execution issued to the sheriff for levy. This lien is prior, preferred, and superior to all mortgages or other liens filed, recorded, or acquired after the notice of lien is filed. Upon the payment of the amounts due, or upon determination by the tax collection service provider that the notice of lien was erroneously issued, the lien is satisfied when the service provider acknowledges in writing that the lien is fully satisfied. A lien's satisfaction does not need to be acknowledged before any notary or other public officer, and the signature of the director of the tax collection service provider or his or her designee is conclusive evidence of the satisfaction of the lien, which satisfaction shall be recorded by the clerk of the circuit court who receives the fees for those services.

2. The tax collection service provider may subsequently issue a warrant directed to any sheriff in this state, commanding him or her to levy upon and sell any real or personal property of the employer liable for any amount under this chapter within his or her jurisdiction, for payment, with the added penalties and interest and the costs of executing the warrant, together with the costs of the clerk of the circuit court in recording and docketing the notice of lien, and to return the warrant to the service provider with payment. The warrant may only be issued and enforced for all amounts due to the tax collection service provider on the date the warrant is issued, together with interest accruing on the contribution or reimbursement due from the employer to the date of payment at the rate provided in this section. In the event of sale of any assets of the employer, however, priorities under the warrant shall be determined in accordance with the priority established by any notices of lien filed by the tax collection service provider and recorded by the clerk of the circuit court. The sheriff shall execute the warrant in the same manner prescribed by law for executions issued by the clerk of the circuit court for judgments of the circuit court. The sheriff is entitled to the same fees for executing the warrant as for a writ of execution out of the circuit court, and these fees must be collected in the same manner.

Section 25. Section 624.50921, Florida Statutes, is created to read:

624.50921 Adjustments.—

(1) If a taxpayer is required to amend its corporate income tax liability under chapter 220, or the taxpayer receives a refund of its workers' compensation administrative assessment paid under chapter 440, the taxpayer shall file an amended insurance premium tax return not later than 60 days after such an occurrence.

(2) If an amended insurance premium tax return is required under subsection (1), notwithstanding any other provision of s. 95.091(3):

(a) A notice of deficiency may be issued at any time within 3 years after the date the amended insurance premium tax return is given; or

(b) If a taxpayer fails to file an amended insurance premium tax return, a notice of deficiency may be issued at any time.

The amount of any proposed assessment set forth in such a notice of deficiency shall be limited to the amount of any deficiency resulting under this code from recomputation of the taxpayer's insurance premium tax and retaliatory tax for the taxable year after giving effect only to the change in corporate income tax paid and the change in the amount of the workers' compensation administrative assessment paid. Interest in accordance with s. 624.5092 is due on the amount of any deficiency from the date fixed for filing the original insurance premium tax return for the taxable year until the date of payment of the deficiency.

(3) If an amended insurance premium tax return is required by subsection (1), a claim for refund may be filed within 2 years after the date on which the amended insurance premium tax return was due, regardless of whether such notice was given, notwithstanding any other provision of s. 215.26. However, the amount recoverable pursuant to such a claim shall be limited to the amount of any overpayment resulting under this code from recomputation of the taxpayer's insurance premium tax and retaliatory tax for the taxable year after giving effect only to the change in corporate income tax paid and the change in the amount of the workers' compensation administrative assessment paid.

Section 26. Subsection (5) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(5)

(a)1. There shall be allowed a credit against the net tax imposed by this section equal to 15 percent of the amount paid by *an* ~~the~~ insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443.

2. As an alternative to the credit allowed in subparagraph 1., an affiliated group of corporations which includes at least one insurance company writing premiums in Florida may elect to take a credit against the net tax imposed by this section in an amount that may not exceed 15 percent of the salary of the employees of the affiliated group of corporations who perform insurance-related activities, are located or based within this state, and are covered by chapter 443. For purposes of this subparagraph, the term "affiliated group of corporations" means two or more corporations that are entirely owned directly or indirectly by a single corporation and that constitute an affiliated group as defined in s. 1504(a) of the Internal Revenue Code. The amount of credit allowed under this subparagraph is limited to the combined Florida salary tax credits allowed for all insurance companies that were members of the affiliated group of corporations for the tax year ending December 31, 2002, divided by the combined Florida taxable premiums written by all insurance companies that were members of the affiliated group of corporations for the tax year ending December 31, 2002, multiplied by the combined Florida taxable premiums of the affiliated group of corporations for the current year. An affiliated group of corporations electing this alternative calculation method must make such election on or before August 1, 2005. The election of this alternative calculation method is irrevocable and binding upon successors and assigns of the affiliated group of corporations electing this alternative. However, if a member of an affiliated group of corporations acquires or merges with another insurance company after the date of the irrevocable election, the acquired or merged company is not entitled to the affiliated group election and shall only be entitled to calculate the tax credit under subparagraph 1.

In no event shall the salary paid to an employee by an affiliated group of corporations be claimed as a credit by more than one insurer or be counted more than once in an insurer's calculation of the credit as described in subparagraph 1. or subparagraph 2. Only the portion of an employee's salary paid for the performance of insurance-related activities may be included in the calculation of the premium tax credit in this subsection.

(b) For purposes of this subsection:

1.~~(a)~~ The term "salaries" does not include amounts paid as commissions.

2.~~(b)~~ The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except *adjusters, managing general agents, and service representatives, as* ~~persons~~ defined in *s. 626.015* ~~s. 626.015(1), (14), and (16)~~.

3.~~(c)~~ The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

4.~~(d)~~ An affiliated group of corporations that created a service company within its affiliated group on July 30, 2002, shall allocate the salary of each service company employee covered by contracts with affiliated group members to the companies for which the employees perform services. The salary allocation is based on the amount of time during the tax year that the individual employee spends performing services or otherwise working for each company over the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the affiliated group shall be included as that insurer's employee salaries for purposes of this section.

a.~~1.~~ *Except as provided in subparagraph 2.,* the term "affiliated group of corporations" means two or more corporations that are entirely owned by a single corporation and that constitute an affiliated group of corporations as defined in s. 1504(a) of the Internal Revenue Code.

b.~~2.~~ The term "service company" means a separate corporation within the affiliated group of corporations whose employees provide services to affiliated group members and which are treated as service company employees for unemployment compensation and common law purposes. The holding company of an affiliated group may not qualify as a service company. An insurance company may not qualify as a service company.

c.~~3.~~ If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

5. A service company that is a subsidiary of a mutual insurance holding company, which mutual insurance holding company was in existence on or before January 1, 2000, shall allocate the salary of each service company employee covered by contracts with members of the mutual insurance holding company system to the companies for which the employees perform services. The salary allocation is based on the ratio of the amount of time during the tax year which the individual employee spends performing services or otherwise working for each company to the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the mutual insurance holding company system shall be included as that insurer's employee salaries for purposes of this section. However, this subparagraph does not apply for any tax year unless funds sufficient to offset the anticipated salary credits have been appropriated to the General Revenue Fund prior to the due date of the final return for that year.

a. The term "mutual insurance holding company system" means two or more corporations that are subsidiaries of a mutual insurance holding company and in compliance with part IV of chapter 628.

b. The term "service company" means a separate corporation within the mutual insurance holding company system whose employees provide services to other members of the mutual insurance holding company system and are treated as service company employees for unemployment compensation and common-law purposes. The mutual insurance holding company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

(c) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

Section 27. *The sum of $2.6 million is appropriated from the Workers' Compensation Administration Trust Fund to the General Revenue Fund for the 2005-2006 fiscal year.*

Section 28. *The intent of the revision to section 624.509(5)(b), Florida Statutes, in section 25 is to clarify that adjusters, managing general agents, and service representatives, as defined in section 626.015, Florida Statutes, are considered employees for purposes of the salary credit provided in section 626.509, Florida Statutes. The reference in section 624.509, Florida Statutes, to section 626.015, Florida Statutes, was never intended to reference the definition of a "resident."*

Section 29. *Notwithstanding section 11 of chapter 2000-312, Laws of Florida, section 213.21, Florida Statutes, shall not stand repealed on October 1, 2005, as scheduled by that law, but that section is revived and readopted.*

Section 30. *If a security agreement pledging condominium or homeowner association assessments or fees or club membership dues, fees, or assessments was recorded after April 15, 2000, and before April 10, 2005, with a clerk of the court, and if a Uniform Commercial Code financing statement was filed with the Secretary of State or the Florida Secured Transaction Registry with respect to such security agreement, the excise tax on documents under chapter 201, Florida Statutes, is not due solely as a result of the recording of the security agreement if an affidavit attesting that the security agreement was recorded in error or by mistake is filed or recorded with the clerk of the court.*

Section 31. Retroactive to January 1, 2005, section 196.1999, Florida Statutes, is created to read:

196.1999 Space laboratories and carriers; exemption.—Notwithstanding other provisions of this chapter, a module, pallet, rack, locker, and any necessary associated hardware and subsystem owned by any person and intended to be used to transport or store cargo used for a space laboratory for the primary purpose of conducting scientific research in space is deemed to carry out a scientific purpose and is exempt from ad valorem taxation.

Section 32. *Section 196.1994, Florida Statutes, is repealed.*

Section 33. Subsection (4) of section 201.23, Florida Statutes, is amended to read:

201.23 Foreign notes and other written obligations exempt.—

(4)*(a)* The excise taxes imposed by this chapter shall not apply to the documents, notes, evidences of indebtedness, financing statements, drafts, bills of exchange, or other taxable items dealt with, made, issued, drawn upon, accepted, delivered, shipped, received, signed, executed, assigned, transferred, or sold by or to a banking organization~~, as defined in s. 199.023(9),~~ in the conduct of an international banking transaction~~, as defined in s. 199.023(11)~~. Nothing in this subsection shall be construed to change the application of paragraph (2)(a).

(b) For purposes of this subsection, the term:

1. "Banking organization" means:

a. A bank organized and existing under the laws of any state;

b. A national bank organized and existing pursuant to the provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq.;

c. An Edge Act corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.;

d. An international bank agency licensed pursuant to the laws of any state;

e. A federal agency licensed pursuant to ss. 4 and 5 of the International Banking Act of 1978;

f. A savings association organized and existing under the laws of any state;

g. A federal association organized and existing pursuant to the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq.; or

h. A Florida export finance corporation organized and existing pursuant to the provisions of part V of chapter 288.

2. "International banking transaction" means:

a. The financing of the exportation from, or the importation into, the United States or between jurisdictions abroad of tangible personal property or services;

b. The financing of the production, preparation, storage, or transportation of tangible personal property or services which are identifiable as being directly and solely for export from, or import into, the United States or between jurisdictions abroad;

c. The financing of contracts, projects, or activities to be performed substantially abroad, except those transactions secured by a mortgage, deed of trust, or other lien upon real property located in the state;

d. The receipt of deposits or borrowings or the extensions of credit by an international banking facility, except the loan or deposit of funds secured by mortgage, deed of trust, or other lien upon real property located in the state; or

e. Entering into foreign exchange trading or hedging transactions in connection with the activities described in sub-subparagraph d.

Section 34. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.0305, F.S.; permitting golf courses to be built with the proceeds of a charter county convention development tax; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of aircraft; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered Florida yacht broker or dealer under certain conditions; amending s. 212.11, F.S.; correcting a cross-reference; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; amending s. 624.509, F.S.; providing for an alternative method of calculating a tax credit against the insurance premium tax for certain groups of affiliated corporations; clarifying the definition of the term "employees" for purposes of calculating such a credit; allowing a salary credit for employees of a service company subsidiary of a mutual insurance holding company; providing an exception; authorizing the department to adopt rules to administer such a credit; providing an appropriation; providing legislative intent regarding the meaning of the term "employees" for purposes of determining the salary credit against the insurance premium tax; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; exempting from the documentary stamp tax certain security agreements recorded in error or by mistake; creating s. 196.1999, F.S.; providing retroactivity; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; amending s. 201.23, F.S.; defining the terms "banking organization" and "international banking transaction," relating to exemption from certain excise taxes; providing effective dates.

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senators Atwater and Webster offered the following amendment to **Amendment 1** which was moved by Senator Atwater and adopted by two-thirds vote:

Amendment 1A (105576)(with title amendment)—On page 43, between line 6 and 7, insert:

Section 27. Subsection (1) of section 624.5091, Florida Statutes, is amended to read:

624.5091 Retaliatory provision, insurers.—

(1)*(a)* When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Department of Revenue upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. In determining the taxes to be imposed under this section, 80 percent *and a portion of the remaining 20 percent as provided in paragraph (b)* of the credit provided by s. 624.509(5), as limited by s. 624.509(6) and further determined by s. 624.509(7), shall not be taken into consideration.

(b) As used in this subsection, the term "portion of the remaining 20 percent" shall be calculated by multiplying the remaining 20 percent by a fraction, the numerator of which is the sum of the salaries qualifying for the credit allowed by s. 624.509(5) of employees whose place of employment is located in an enterprise zone created pursuant to chapter 290 and the denominator of which is the sum of the salaries qualifying for the credit allowed by s. 624.509(5).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 49, line 18, after the first semicolon (;) and insert: amending s. 624.5091, F.S., increasing the amount of tax credits excluded from calculation of insurance retaliatory taxes;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Atwater, **HB 1813** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Dockery

HB 1907—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Carlton, **HB 1907** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 643—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross reference to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 643** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 2542** was deferred.

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 1159** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1717—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 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 severability; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Argenziano, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (093832)** was adopted May 4. **Amendment 1** was withdrawn.

Senator Argenziano moved the following amendment:

Amendment 2 (702180)—Lines 376-378, delete those lines and insert:

(41) Notwithstanding the provisions of s. 287.057(23)(a), that require all agencies to use the on-line procurement system developed by the Department of Management Services, the department may continue to use its own on-line system. However, vendors utilizing such system shall be prequalified as meeting mandatory requirements and qualifications and shall remit fees pursuant to s.287.057(23), and any rules implementing s. 287.057.

On motion by Senator Smith, further consideration of **HB 1717** with pending **Amendment 2 (702180)** was deferred.

CS for CS for SB 2502—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; amending s. 373.0361, F.S.; extending a deadline for water management districts to update certain regional water supply plans; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Dockery, **CS for CS for SB 2502** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—as amended May 4 was read the third time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendments to be considered:

Senators Lynn and King offered the following amendments which were moved by Senator Lynn and adopted by two-thirds vote:

Amendment 3 (810102)—Line 96, after the semicolon (;) insert: to prohibit the assignment of more than five students to a teacher over the allowable district average;

Amendment 4 (405652)—Between lines 42 and 43, insert flush left:

However, in no event shall any such classroom exceed five students over the district average allowable maximum.

On motion by Senator Lynn, **HJR 1843** as amended was shown in full as follows:

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

Be It Resolved by the Legislature of the State of Florida: That the amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

Section 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the *2007* ~~2010~~ school year, there are a sufficient number of classrooms so that:

(1) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local *school* ~~schools~~districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the *district* average *class size* ~~number of students in each classroom~~by at least two students per year until the *district average class size*~~maximum number of students per classroom~~ does not exceed the requirements of this subsection.

(b) The minimum salary for each public school teacher shall be no less than $35,000 and shall be higher than the national average beginning pay for public school teachers as provided by law.

(c)~~(b)~~ Every four-year old child in Florida shall be provided by the State a high quality *prekindergarten* ~~pre-kindergarten~~ learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(d)~~(c)~~ The early childhood education and development programs provided by reason of *subsection (c)* ~~subparagraph (b)~~shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002*,* that provided for child or adult education, health care, or development.

ARTICLE XII

SCHEDULE

Section 2. *Maximum class size and minimum teacher salary.—The amendment to Section 1 of Article IX relating to public education, which provides that maximum class size requirements shall be based on the district average number of students who are assigned to a teacher in specified grades and which establishes a minimum teacher salary, shall take effect July 1 following approval by the electors.*

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

REVISING MAXIMUM CLASS SIZE REQUIREMENTS

AND ESTABLISHING A MINIMUM TEACHER SALARY

Proposes an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution to provide that maximum class size requirements shall be based on the district average number of students who are assigned to a teacher in specified grades; to move forward the date for implementation of the class size requirements; to require that the minimum salary for each public school teacher shall be no less than $35,000 and shall be higher than the national average beginning pay for public school teachers as provided by law; and to provide for taking effect July 1 following approval by the electors.

SENATOR CARLTON PRESIDING

—and **HJR 1843** as amended failed to receive the required constitutional three-fifths vote of the membership. The action of the Senate was certified to the House. The vote was:

Yeas—19

Mr. President	Crist	Pruitt
Alexander	Fasano	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Webster
Carlton	Lynn	Wise
Clary	Peaden	
Constantine	Posey	

Nays—21

Argenziano	Dockery	Margolis
Aronberg	Garcia	Miller
Bennett	Geller	Rich
Bullard	Hill	Siplin
Campbell	Jones	Smith
Dawson	Klein	Villalobos
Diaz de la Portilla	Lawson	Wilson

Consideration of **HB 1855** was deferred.

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Posey, **HB 1377** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1025—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; revising the definition of "laser lighting device"; providing that any person who knowingly and willfully aims a laser lighting device at a person operating a motor vehicle, vessel, or aircraft commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or aircraft

commits a felony of the second degree; providing penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1025** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1681—A bill to be entitled An act relating to transportation; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the department to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 337.11, F.S.; providing for department contracts to use written work orders pursuant to certain contingency items or supplemental agreements; removing requirement for surety approval of supplemental agreements; limiting liability of the surety when unapproved contract changes exceed a certain amount; providing purposes for the use of written work orders; revising criteria for use of supplemental agreements in department contracts; creating s. 337.195, F.S.; specifying presumptions of proximate cause for determination of liability in certain civil actions against the department or its agents or its consultants or contractors on certain transportation facilities when death, personal injury, or property damage resulted from a motor vehicle crash within a construction zone; limiting liability under certain circumstances of a contractor who constructed or repaired a highway, road, street, or bridge for the department; limiting liability under certain circumstances of a person or entity who contracts with the department to prepare or provide engineering plans for certain transportation facility projects; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; providing that exceptions to prohibited uses of transportation facilities shall not apply to limited access highways; amending s. 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending s. 339.175, F.S.; requiring a metropolitan planning organization to approve certain plans and programs on a recorded roll call vote; providing that modifications of certain plans and programs require a recorded roll call vote for approval by a specified super majority; amending s. 339.55, F.S.; establishing a limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 339.61, F.S.; revising legislative intent for transportation facilities comprising the Strategic Intermodal System; adding economic development and job growth as criteria for projects; amending s. 339.62, F.S.; adding planned facilities meeting certain criteria and thresholds to components of the Strategic Intermodal System; amending s. 339.64, F.S.; directing the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report; directing the department to coordinate with federal, regional, and local entities for transportation planning impacting military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Statewide Intermodal Transportation Advisory Council; creating part IV of chapter 343, F.S., titled the "Northwest Florida Transportation Corridor Authority"; providing a popular name; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of the authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges shall be enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 348.0003, F.S.; changing the membership of expressway authority governing boards in certain counties; amending s. 348.0004, F.S.; requiring notification to certain local governmental entities and metropolitan planning organizations by certain expressway authorities proposing a toll increase or a new point of toll collection; providing procedures for public notice and hearing prior to implementation; creating part X of chapter 348, F.S., titled the "Osceola County Expressway Authority"; providing a popular name; providing definitions; creating the authority as an agency of the state; providing for membership, terms, organization, personnel, and administration; providing purposes and powers for construction, expansion, maintenance, improvement, and operation of the Osceola County Expressway System; providing for use of certain funds to pay obligations; requiring consent of local jurisdiction for agreements that would restrict construction of roads; providing for bond financing of improvements to certain facilities; providing for issuance of bonds; providing for rights and remedies granted to bondholders; providing for appointment of trustee to represent the bondholders; providing for appointment of receiver to take possession of and operate and maintain the system; providing for lease of the system to the Department of Transportation under a lease-purchase agreement; authorizing the department to act in place of the authority under terms of the lease-purchase agreement; requiring approval by the county for certain provisions of the lease-purchase agreement; providing that the system is part of the state road system; authorizing the department to expend a limited amount of funds; providing for the authority to appoint the department as its agent for certain construction purposes; authorizing the authority to acquire property; limiting liability of the authority for contamination existing on an acquired property; providing for remedial acts necessary due to such contamination; authorizing agreements between the authority and other entities; providing pledge of the state to bondholders; exempting the authority from taxation; providing for application and construction of the part; amending s. 373.4137, F.S.; revising requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the state Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (221648)** was adopted May 4.

Senator Sebesta moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (845596)(with title amendment)—On page 2, between lines 10 and 11, insert:

Section 2. Subsection (10) is added to section 332.007, Florida Statutes, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) The department may also fund eligible projects performed by not-for-profit organizations that represent a majority of public airports in this state. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability of airports in this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 56, line 19, after the semicolon (;) insert: amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **HB 1681** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1325** was deferred.

CS for SB 1184—A bill to be entitled An act relating to transportation access; amending s. 316.006, F.S.; providing that a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; creating s. 166.0498, F.S.; prohibiting a municipality from permanently closing a road unless certain conditions are met; providing an effective date.

—as amended May 4 was read the third time by title.

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (453398)(with title amendment)—On page 1, line 21 through page 3, line 14, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: amending s. 704.01, F.S.; revising

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (981860)(with title amendment)—On page 7, line 11 through page 8, line 5, delete Section 6 and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 14-17, delete those lines and insert: effectiveness; providing an effective date.

On motion by Senator Fasano, **CS for SB 1184** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet

access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **HB 113** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 185** was deferred.

CS for CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing continuing education requirements for certification; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; defining the term "restricted access area"; providing for designation of part or all of a seaport as a restricted access area under certain emergency conditions; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Wise, **CS for CS for CS for SB 1062** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1659** was deferred.

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 185** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015,

F.S.; redefining the term "home state"; defining the term "resident"; amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1912** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

CS for SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2348** was passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Jones	Villalobos
Carlton	King	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—11

Aronberg	Hill	Siplin
Bullard	Klein	Smith
Dawson	Miller	Wilson
Geller	Rich	

HB 579—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school completion; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 579** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery

Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

Consideration of **HB 1129** was deferred.

HB 1567—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; providing for applicant notification upon his or her failure to answer required information on the voter registration application form; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions; amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polling locations in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors' occupation of booths, to conform; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing certain employees of the Department of State full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in races for President and Vice President and Governor and Lieutenant Governor or, alternatively, other races appearing first on the ballot; amending s. 101.6103, F.S.; correcting a cross reference; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring absentee ballots to be mailed by a certain time; requiring certain information to be available and updated in electronic format as provided by rule adopted by the division; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; providing for the designation of the no solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the

county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduct of elections; requiring the supervisor of elections to file or export files to the department from election results and other statistical information as may be requested by the department, the Legislature, and the Election Assistance Commission; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051 and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; transferring s. 98.122, F.S., relating to closed caption television broadcasting requirements, and renumbering the section as s. 106.165, F.S.; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to endorsements or opposition by certain groups and organizations; providing for severability; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Posey, **HB 1567** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Alexander	Crist	Peaden
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Villalobos
Carlton	King	Webster
Clary	Lawson	Wise
Constantine	Lynn	

Nays—9

Aronberg	Klein	Siplin
Dawson	Margolis	Smith
Geller	Miller	Wilson

Vote after roll call:

Yea—Diaz de la Portilla

Yea to Nay—Campbell

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; 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 third time by title.

On motion by Senator Saunders, **HB 1129** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 315—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.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **HB 315** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Saunders

CS for CS for SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Post Hurricane Utility Task Force; providing duties and membership of the task force; creating the Post Hurricane Utility Task Force Advisory Panel to advise the task force; providing for membership and duties of the panel; requiring that the task force submit a report to the Governor and the Legislature; providing that the task force be dissolved on a specified date; providing an appropriation; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 526** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1697** was deferred.

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 345** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1347** and **SB 1820** was deferred.

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 937** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 627—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing an exception; providing a definition; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 627** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising

the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 1347** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term "health insurance" for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (670746)** was adopted May 4.

Senator Fasano moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1A (122126)(with title amendment)—On page 5, line 28 through page 6, line 12, delete section 4 and renumber subsequent sections.

And the title is amended as follows:

On page 21, lines 13-15, delete those lines and insert: savings account; amending s. 627.6402, F.S.; revising

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1B (240116)—On page 10, line 25, delete "*subparagraph*" and insert: *paragraph*

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Fasano, **HB 811** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Lawson, **HB 1855** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

Consideration of **HB 1231** and **CS for CS for SB 838** was deferred.

SB 1450—A bill to be entitled An act relating to arthritis prevention and education; creating s. 385.210, F.S.; providing a short title; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; providing an effective date.

—was read the third time by title.

Senator Klein moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (600466)(with title amendment)—On page 4, lines 27-30, delete those lines and insert:

(c) Statewide partnership on arthritis.—The department shall establish and coordinate a statewide partnership on arthritis to collaborate on and address arthritis issues within the state. Membership shall include,

And the title is amended as follows:

On page 1, line 9, delete "an advisory panel" and insert: a statewide partnership

Amendment 2 (655212)—On page 5, line 10, following "*pain*" insert: *through evidence-based self-management interventions*

On motion by Senator Klein, **SB 1450** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 63—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; removing certain restrictions on certification of disability by an advanced registered nurse practitioner or a physician assistant; providing for disciplinary action for violation by certain certifying practitioners; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 63** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 517—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; providing duties of the Board of Governors; 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.

—was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (235218)(with title amendment)—Between lines 457 and 458, insert:

Section 2. *Florida Gulf Coast University School of Engineering authorized; bachelor's degrees authorized.—*

(1) The Florida Gulf Coast University may establish a School of Engineering, subject to approval by the Board of Governors.

(2) The School of Engineering at the Florida Gulf Coast University may award bachelor of science degrees in bioengineering, environmental and civil engineering, and engineering management.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page Line 27, after the semicolon (;) insert: authorizing Florida Gulf Coast University to establish a school of engineering, subject to approval by the Board of Governors; authorizing the university to grant bachelor's degrees in specified fields;

On motion by Senator Constantine, **HB 517** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

HB 729—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 729** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **HB 1099** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1917—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 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.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Crist, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (741866)** was adopted May 4.

Senator Crist moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (563846)—On page 39, lines 22-28, delete those lines and redesignate subsequent sections.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Crist, **HB 1917** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; providing for the State Board of Education to adopt rules with respect to the articulation of specified associate degrees with specified bachelor's degrees; providing requirements for such rules; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s.

1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; amending s. 1009.23, F.S.; authorizing each community college board of trustees to establish a transportation user fee; limiting such fee to the cost of the service provided; allowing fines to exceed the cost of services provided and to apply to persons other than those receiving specified services; providing an effective date.

—as amended May 4 was read the third time by title.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (252486)(with title amendment)—On page 14, between lines 9 and 10, insert:

Section 9. Subsection (8) is added to section 1011.68, Florida Statutes, to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(8) Notwithstanding s. 1006.22(1) and (2), if an isolated student attends a charter school governed by a community college, the community college shall generate school transportation funding according to ss. 1002.33(17)(b), 1011.62, and this section. A community college board of trustees may include in its charter school contract a provision for parent transportation of students which is consistent with s. 1002.33(20)(c), if the cost of the transportation service does not exceed the transportation funds generated by this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 21, after the semicolon (;) insert: amending s. 1011.68, F.S.; providing that an isolated student who attends a charter school governed by a community college generates school transportation funding according to a specified formula; authorizing a community college board of trustees to pay for transportation of students in private passenger cars under certain circumstances;

On motion by Senator King, **CS for CS for SB 2254** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—1

Webster

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 1031** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1189—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 1189** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 1456—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; providing a time limit for filing the petition; providing for notice of such petition; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 1456** was passed and certified to the House. The vote on passage was:

Yeas—31

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	
Diaz de la Portilla	Miller	

Nays—8

Aronberg	Geller	Siplin
Bennett	Margolis	Wilson
Dawson	Rich	

Vote after roll call:

Nay to Yea—Aronberg, Siplin

CS for SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Bullard, **CS for SB 2432** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Hill	Rich
Campbell	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lynn	Villalobos
Diaz de la Portilla	Margolis	Wilson

Nays—6

Alexander	Carlton	Webster
Baker	Haridopolos	Wise

HB 1305—A bill to be entitled An act relating to the Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; correcting terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete language; amending s. 265.2865, F.S.; deleting obsolete language; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant review panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant review panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; amending s. 267.16, F.S.; removing a duty of the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 1305** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones

King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

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; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **HB 885** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—King

HB 759—A bill to be entitled An act relating to environmental permitting programs; amending s. 373.414, F.S., relating to additional criteria for activities in surface waters and wetlands; revising a date relating to an exemption from specified requirements; providing for submission of financial responsibility prior to the commencement of phosphate mining operations; providing for review of financial responsibility; providing mechanisms for providing financial responsibility; providing exclusions; clarifying intent; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4), to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for future repeal of such interim program; amending s. 10, ch. 2003-423, Laws of Florida; revising the date by which the Peace River Basin resource management plan must be submitted; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 759** was passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Campbell	Diaz de la Portilla
Argenziano	Carlton	Dockery
Aronberg	Clary	Fasano
Baker	Constantine	Garcia
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Miller	Siplin	

Nays—None

Vote after roll call:

Yea—Atwater, Sebesta

Consideration of **CS for CS for SB 486**, **CS for CS for SB 1110**, **CS for SB 718** and **CS for SB 1344** was deferred.

By direction of the President, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 166, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database; providing an effective date.

House Amendment 1 (220497)—Remove line(s) 28 and 29 and insert:

Internet in compliance with the requirements of s. 119.01(2)(a).

On motion by Senator Aronberg, the Senate concurred in the House amendment.

SB 166 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 434, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1 (311311)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 413.08, Florida Statutes, is amended to read:

413.08 Rights of *an individual with a disability;*~~physically disabled persons;~~ use of *a* ~~dog guides or~~ service *animal* ~~dogs or nonhuman primates of the genus Cebus~~; discrimination in public employment or housing accommodations; penalties.—

(1) As used in ss. 413.08 and 413.081, the term:

(a) "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but does not include any single-family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) "Individual with a disability" means a person who is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled. As used in this paragraph, the term:

1. "Hard of hearing" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

2. "Physically disabled" means any person who has a physical impairment that substantially limits one or more major life activities.

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(d) "Service animal" means an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet.

(2)~~(1)(a)~~ *An individual with a disability is* ~~The deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are~~ entitled to full and equal accommodations, advantages, facilities, and privileges *in* ~~on~~ all *public accommodations* ~~common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons~~. This section does not require any person, firm, *business,* or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility, or service to a higher degree of accommodation than is required for a person not so disabled.

(3)~~(b)~~ *An individual with a disability* ~~Every deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person~~ has the right to be accompanied by a ~~dog guide or~~ service *animal* ~~dog, specially trained for the purpose,~~ in *all areas of a public accommodation that the public or customers are normally permitted to occupy* ~~any of the places listed in paragraph (a) without being required to pay an extra charge for the dog guide or service dog; however, such a person is liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing eye dogs, hearing ear dogs, service dogs, including, but not limited to, seizure alert and seizure response dogs, or guide dogs~~.

(a) Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation may ask if an animal is a service animal or what tasks the animal has been trained to perform in order to determine the difference between a service animal and a pet.

(b) A public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(c) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets.

(d) The care or supervision of a service animal is the responsibility of the individual owner. A public accommodation is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement.

(e) A public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.

~~(c) Every person with paraplegia or quadriplegia has the right to be accompanied by a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, in any of the places listed in paragraph (a) without being required to pay an extra charge for the nonhuman primate; however, such a person is liable for any damage done to the premises or facilities by such nonhuman primate.~~

(4)~~(2)~~ Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, *a* ~~the~~ public *accommodation*~~facilities enumerated in subsection (1)~~ or otherwise interferes with the rights of *an individual with a disability* ~~a deaf person, a hard of hearing person, a totally or partially blind person, a person who is subject to epilepsy or other such seizure disorders, or an otherwise physically disabled person under this section,~~ or the trainer of a ~~dog guide or~~ service *animal* ~~dog~~ while engaged in the training of *such an animal* ~~such a dog~~ pursuant to subsection *(8)* ~~(7)~~, *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(3)~~ It is the policy of this state that *an individual with a disability* ~~the deaf, hard of hearing, blind, visually handicapped, and otherwise~~

~~physically disabled shall~~ be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and an employer may not refuse employment to *such a person* ~~the deaf, the hard of hearing, the blind, the visually handicapped, or the otherwise physically disabled~~ on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(6)~~(4)~~ *An individual with a disability is* ~~Deaf persons, hard of hearing persons, blind persons, visually handicapped persons, and otherwise physically disabled persons are~~ entitled to rent, lease, or purchase, as other members of the general public, any housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

~~(a) As used in this subsection, the term "housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but does not include any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.~~

(a)~~(b)~~ This section does not require any person renting, leasing, or otherwise providing real property for compensation to modify her or his property in any way or provide a higher degree of care for *an individual with a disability* ~~a deaf person, hard of hearing person, blind person, visually handicapped person, or otherwise physically disabled person~~ than for a person who is not *disabled* ~~so handicapped~~.

(b)~~(c)~~ *An individual with a disability* ~~Each deaf person, hard of hearing person, totally or partially blind person, or otherwise physically disabled person~~ who has a *service animal*~~dog guide,~~ or who obtains a *service animal* ~~dog guide,~~ is entitled to full and equal access to all housing accommodations provided for in this section, and such a person *may* ~~shall~~ not be required to pay extra compensation for the *service animal* ~~dog guide~~. However, such a person is liable for any damage done to the premises *or to another person on the premises* by such *an animal* ~~a dog guide~~. *A housing accommodation may request proof of compliance with vaccination requirements.*

~~(d) Each person with paraplegia or quadriplegia who has or obtains a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, is entitled to full and equal access to all housing accommodations provided for in this section, and she or he shall not be required to pay extra compensation for such a nonhuman primate. However, the person is liable for any damage done to the premises by such a nonhuman primate.~~

(7)~~(5)~~ *An* ~~Any~~ employer covered under subsection *(5)* ~~(3)~~who discriminates against *an individual with a disability* ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled~~ in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, or corporation, providing housing accommodations as provided in subsection *(6)*~~(4)~~ who discriminates against *an individual with a disability commits*~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6)(a) As used in this section, the term "physically disabled person" means any person who has a physical impairment that substantially limits one or more major life activities.~~

~~(b) As used in this section, the term "hard of hearing person" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.~~

(8)~~(7)~~ Any trainer of a ~~dog guide or~~ service *animal* ~~dog~~, while engaged in the training of such *an animal* ~~a dog~~ , has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for those persons described in *subsection (3)* ~~paragraph (1)(b)~~accompanied by *service animals* ~~dog guides or service dogs~~.

~~(8) Any trainer of a nonhuman primate of the genus Cebus, while engaged in training such a nonhuman primate to provide personal care services to a person with paraplegia or quadriplegia, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for a person with paraplegia or quadriplegia who is accompanied by nonhuman primates of the genus Cebus. As used in this subsection, the term "trainer of a nonhuman primate of the genus Cebus" means a paid employee of a training organization, and does not include volunteers chosen to raise the animals.~~

Section 2. Section 413.081, Florida Statutes, is amended to read:

413.081 Interference with or injury to *a* ~~guide dog or~~service animal; penalties; restitution.—

(1) *A* ~~Any~~ person who, with reckless disregard, interferes *with*, or permits a dog that he or she owns or is in the immediate control of to interfere~~,~~ with*,* the use of a ~~guide dog or~~ service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the *service* animal or its user *commits* ~~is guilty of~~ a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in s. 775.082 or s. 775.083.

(2) *A* ~~Any~~ person who, with reckless disregard, injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a ~~guide dog or~~ service animal *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) *A* ~~Any~~ person who intentionally injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a ~~guide dog or~~ service animal *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082*,* ~~or~~ s. 775.083*, or s. 775.084*.

(4)(a) A person who is convicted of a violation of this section, in addition to any other penalty, must make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the ~~guide dog or~~ service animal's user.

(b) Restitution includes the value of the *service* animal; replacement and training or retraining expenses for the *service*animal and the user; veterinary and other medical and boarding expenses for the *service* animal; medical expenses for the user; and lost wages or income incurred by the user during any period that the user is without the services of *the service* ~~such an~~animal.

~~(5) As used in this section, the term:~~

~~(a) "Guide dog" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.~~

~~(b) "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.~~

Section 3. *The Florida Americans with Disabilities Act Working Group and the Commission on Human Relations, jointly, are directed to provide to the Executive Office of the Governor recommendations that identify specific policies that the state can implement to ensure the effectiveness of this act and improve access for individuals with disabilities who are accompanied by service animals.*

Section 4. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

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; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation; requiring that a service animal be given access to all areas of a public accommodation that the public or customers are normally permitted to occupy; 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; 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 is not required to provide care or food or a special location for a service animal; providing that a public accommodation 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; 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; directing the Florida Americans with Disabilities Act Working Group and the Commission on Human Relations to provide recommendations to the Executive Office of the Governor; providing an effective date.

On motion by Senator Wise, the Senate concurred in the House amendment.

CS for CS for SB 434 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 908, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

House Amendment 1 (839247)(with title amendment)—On page 2, line 19, remove said line and insert:

2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate-nitrogen as set forth in section C.1. of the referenced December 2004 report~~shall, if appropriate, by March 1, 2005, initiate~~

And the title is amended as follows:

On page 1, line 6, remove said line and insert:

certain recommendations; requiring provisions for relief from specific recommendations under certain circumstances; amending ss. 369.319

House Amendment 2 (954045)(with title amendment)—On page 4, lines 5 and 6, remove said lines and insert:

comprehensive plan to include the Wekiva Parkway. *Interchanges located on Interstate 4 are exempt from this subsection.*

And the title is amended as follows:

On page 1, lines 17 through 19, remove said lines and insert:

exempting interchanges located on Interstate 4 from the requirements for an interchange land use plan; revising the date local governments

On motion by Senator Constantine, the Senate concurred in the House amendments.

SB 908 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1144, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s. 119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.;

transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (800131)(with title amendment)—On page 55, lines 15 and 16,

remove: all of said lines

and insert:

section 112.3190, Florida Statutes, and amended to read:

112.3190 Investigatory records.—

And the title is amended as follows:

On page 2, line 17,

remove: all of said line

and insert: creating s. 112.3190, F.S.; transferring

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for SB 1144 passed as amended by the required constitutional two-thirds vote of the members present, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1146, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

House Amendment 1 (637389)(with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Paragraph (i) is added to subsection (2) of section 20.22, Florida Statutes, to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and programs within the Department of Management Services are established:

(i) Center for Efficient Government.

Section 2. Section 287.0571, Florida Statutes, is created to read:

287.0571 Applicability of ss. 287.0571-287.0578.—

(1) Sections 287.0571-287.0578 shall be known as the "Center for Efficient Government Act".

(2) It is the intent of the Legislature that state agencies focus on their core missions and deliver services effectively and efficiently by leveraging resources and contracting with the private sector for services that can be more effectively provided by the private sector and that reduce the cost of government for all citizens of the state.

(3) The provisions of this act shall not be required to apply to procurements of commodities and contractual services listed in s. 287.057(5)(e), (f), and (g) and (22).

(4) The provisions of this act shall not apply to:

(a) Procurements of commodities and contractual services subject to s. 287.055.

(b) Contracts in support of the planning, development, implementation, operation, or maintenance of the road, bridge, and public transportation construction program of the Department of Transportation.

Section 3. Section 287.0573, Florida Statutes, is created to read:

287.0573 Definitions.—For the purposes of this act:

(1) "Center" means the Center for Efficient Government.

(2) "Centralized gate process" means the system of review phases for a proposed procurement of contractual services, the conclusion of each phase being a "gate" or decision point at which the commission determines whether the procurement under consideration may proceed to the next phase.

(3) "Commission" means the Commission on Efficient Government.

Section 4. Section 287.0574, Florida Statutes, is created to read:

287.0574 Criteria for procurement of contractual services.—

(1) The agency must include with its final legislative budget request the business cases for procurements for contractual services that the agency proposes in the fiscal year for which the final legislative budget request is submitted, in the manner and form prescribed in the legislative budget request instructions pursuant to s. 216.023.

(2) When compared to the cost and quality of service performed by state employees, an agency may procure a contractual service currently

or previously provided by state employees only if, upon full implementation of a procurement, it:

(a) Results in reasonable cost savings while maintaining at least the same quality of service;

(b) Reasonably increases the quality of service while not exceeding the same level of cost; or

(c) Significantly increases measurable outputs and quality while minimally increasing costs, at levels and percentages proposed by the procuring agency and approved in writing in advance of the procurement by the commission. Only projects with an annual cost below $10 million in each fiscal year may meet this criterion.

Section 5. Section 287.0575, Florida Statutes, is created to read:

287.0575 Commission on Efficient Government; membership; duties; Center for Efficient Government; duties.—

(1) The Commission on Efficient Government is created within the Department of Management Services to oversee the Center for Efficient Government and carry out the responsibilities specified in this section.

(a) The commission shall consist of seven members appointed by the Governor:

1. Four members shall be heads of executive branch agencies.

2. Three members shall be from the private sector and, collectively, shall have experience with procurement, successfully increasing operational efficiency, and implementing complex projects in the private sector business environment. No private sector member of the commission may at any time during his or her appointment to the commission be registered to lobby the executive or legislative branch.

(b) By August 1, 2005, the Governor shall appoint two private sector members and two agency heads for terms of 3 years and one private sector member and two agency heads for terms of 4 years. Thereafter, each member shall serve for a term of 4 years. The private sector members shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(c) No member of the commission shall participate in commission review of a procurement when his or her agency is conducting the procurement or, in the case of a private sector member, he or she has a business relationship with an entity that is involved or could potentially be involved in the procurement.

(d) The members of the commission may not delegate their membership to a designee.

(e) A quorum shall consist of at least four members, including at least two private-sector members. At least one private-sector member must vote on the prevailing side for commission action to take effect.

(f) Any vacancy on the commission shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring for a reason other than the expiration of a term shall serve only for the unexpired term of the member's predecessor.

(g) At the first meeting of the commission after August 1, 2005, the members of the commission shall elect, by majority vote of those in attendance, a member to serve as chair of the commission. No later than September 1 of each succeeding year, the commission shall elect a new chair.

(h) The commission shall:

1. Oversee the Center for Efficient Government.

2. Adopt the centralized gate process.

3. Review, evaluate, and grant approval of, withhold approval of, or deny approval of a proposed procurement at each gate established within the centralized gate process. The commission shall adopt rules regarding the procurements that must pass through the centralized gate process. Such procurements shall include, at a minimum, those subject to the requirements of s. 287.0576(1).

4. Approve templates and guidelines and adopt rules prescribing standards and procedures for use by agencies during the procurement process which shall, at a minimum, include the requirements under ss. 287.0576-287.0577 for procurements of contractual services.

5. Implement a plan for providing information and documentation to the Legislature and the Governor on behalf of agencies and in compliance with the provisions of this chapter. The plan shall include, at a minimum, providing copies of documents to be reviewed by the commission to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the chairs of the relevant appropriations and substantive legislative committees at least 14 days prior to the meeting of the commission at which the proposed procurement will be discussed.

6. Review the performance of procurements which have advanced through the full centralized gate process.

(2) The Center for Efficient Government is created in the department to establish and promote best business practices so that the delivery of services to citizens of the state are provided in the most effective and cost-efficient manner possible. The secretary of the department shall appoint a director of the center. The duties and responsibilities of the center are:

(a) Recommending and implementing a centralized gate process for reviewing and evaluating, and granting, withholding, or denying approval of, agency procurements which, at a minimum, shall include the requirements contained in s. 287.0576(1) and (2) for contractual services procurements.

(b) Providing support and assistance to the commission, including, but not limited to, reviewing and validating agency business cases, recommending standards, processes, templates, and guidelines for use by agencies during the procurement process and providing information and documentation as requested or required by law.

(c) Assisting agencies directly in the procurement process as needed to ensure a high-quality procurement, including, but not limited to, developing and updating business cases, drafting solicitation and contract documents, participating in contract negotiations, identifying performance measures, and advising agencies on performance measurement, contract management, and change management. The center shall also provide information, training, and technical assistance to agencies on the use of the standards, processes, templates, and guidelines developed for use by agencies during the procurement process.

(d) Collecting data and information from agencies on an ongoing basis with regard to the status and results of procurements that have advanced completely through the centralized gate process, recommending incorporation of any lessons learned from such projects into commission standards, procedures, templates, and guidelines, as appropriate, and identifying and disseminating to agencies information regarding best practices in procurement, particularly contractual services procurements.

(e) Developing and implementing, in consultation with the Agency for Workforce Innovation, guidelines for assisting employees whose jobs are eliminated as a result of procurements.

(3) The department shall employ an adequate number of highly skilled, credentialed staff who collectively possess significant expertise and experience as required to carry out the responsibilities of this act.

(4) Agencies shall submit to the center all information, documents, or other materials required by commission rule or this chapter.

Section 6. Section 287.0576, Florida Statutes, is created to read:

287.0576 Review and analysis of proposed procurement of contractual services; centralized gate process.—

(1) At a minimum, procurements required to undergo review and analysis through the centralized gate process adopted by the commission are:

(a) Contractual services procurements that have an estimated total cost of $10 million or more in any fiscal year.

(b) New contractual services procurements that will require adjustments to the agency's budget, in accordance with chapter 216, totaling $1 million or more. Amendments to existing contracts are excluded.

(c) Contractual services procurements that do not involve an outlay of state funds estimated to total $10 million or more in any fiscal year because of the provision of services by the contractor at a rate significantly below market rate, the significant investment of other resources by the agency, or other reason, but in which the total value of the services performed by the agency and contractor under the contract is estimated to total $10 million or more in any fiscal year. Examples of such procurements include, but are not limited to, free, no-cost, or codevelopment contracts.

(d) Contractual services procurements for which the sum of gross revenues or shared savings to be generated for the state and contractor over the term of the contract plus the sum of any payments to the contractor by the agency over the term of the contract, if any, is estimated to total $10 million or more in any fiscal year.

(e) Contractual services procurements that do not meet the criteria in paragraphs (a)-(d) that the Legislature has directed to be subject to the centralized gate process.

(2) Extensions and renewals of contracts resulting from procurements in subsection (1) and extensions and renewals of contracts meeting the criteria identified in paragraphs (1)(a), (c), and (d) which did not pass through the center shall undergo review and analysis through the centralized gate process implemented by the center, though, notwithstanding any law to the contrary, such contracts shall pass only through such gates as the commission determines are appropriate based on the legislative intent of this act.

For purposes of determining whether a procurement meets the requirements of this section, multiple contractual services procurements for substantially similar or related functions or responsibilities occurring in a coordinated fashion or in close time proximity to one another are considered a single contractual services procurement for purposes of meeting the thresholds set forth in this section.

(3) The centralized gate process shall require, at a minimum, review of the procurement by the commission at each gate. At each gate, the commission shall determine by majority vote to:

(a) Approve the procurement, if the agency has sufficiently met the requirements of the current gate, and advance the procurement to the next phase;

(b) Withhold approval of the procurement, if additional work must be completed in order to satisfy the requirements of the current gate, and retain the procurement in that phase; or

(c) Deny the procurement, if the procurement is not a good business decision, and remove the procurement from consideration.

Notwithstanding the provisions of this section, the commission may not deny procurements which are required by law. If the commission determines that a procurement required by law is not a good business decision, the commission shall withhold approval and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Governor the reasons why the procurement should not be completed and any recommendation for legislative action. If the President of the Senate or the Speaker of the House of Representatives has not responded within 14 business days of receipt of the communication, the commission shall proceed at its discretion consistent with the Legislative intent of this act.

Notwithstanding any law to the contrary, agencies under the individual control of the Attorney General, the Chief Financial Officer, or the Commissioner of Agriculture are subject to the provisions of this act, except that the commission shall not grant, withhold, or deny approval of a procurement by such agency but instead may only provide recommendations to the agency. The respective agency head shall have sole authority to grant, withhold, or deny approval of such procurement.

(4) The gates and required documentation comprising the centralized gate process shall, at a minimum, consist of:

(a) The proposal identification gate, which shall include the business case.

(b) The procurement preparation gate, which shall include the updated business case and the solicitation documents prior to the issuance of such documents. An agency may not release solicitation documents without the commission's approval at this gate. The commission must review and approve the written determination of the agency required pursuant to s. 287.057(3)(a) before granting approval for the use of an invitation to negotiate, or withhold approval pending submission by the agency of an acceptable alternative solicitation method.

(c) The contract development gate, which shall include the final business case and the proposed unexecuted contract. An agency may not execute the contract without the commission's approval at this gate.

(d) The transition management gate, which shall include updates to the final business case and, for a procurement of contractual services, an analysis of the agency's and contractor's readiness for the contractor to perform the proposed responsibility or function. An agency may not transition to contractor performance without the commission's approval at this gate.

(e) The post-implementation gate, which shall include updates to the final business case and a report on the adequacy of contractor performance.

(5)(a) Any executed contract for a procurement passing through the centralized gate process pursuant to this section shall be null and void if an agency fails to comply with the commission decision at the proposal identification, procurement preparation, or contract development gate.

(b) Failure to comply with any other requirements of this act or implementing rules shall not affect the validity of the competitive solicitation and award process or any contract.

(6) The commission shall take action at each gate within 60 days of the submission of a procurement by an agency. If the commission does not take action within this timeframe, the agency head shall determine whether to grant, withhold, or deny approval of the procurement at that gate based on the rules and guidelines of the commission for that gate and shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the commission of such action and the circumstances thereof.

(7) During the terms of the contracts, the agency shall annually submit with its legislative budget request a status report for each procurement that has passed through at least the first three gates of the centralized gate process describing the progress made to date, actual completion dates in comparison to planned completion dates, actual costs incurred in comparison to projected costs incurred, current issues requiring resolution, planned project milestones, deliverables, and expenditures for the next reporting period, and any other information relating to the contractual services that may be requested.

Section 7. Section 287.0577, Florida Statutes, is created to read:

287.0577 Requirements for procurement of certain contractual services.—In addition to the other applicable requirements of this chapter, an agency shall comply with the following requirements for, at a minimum, procurements of contractual services estimated to total $1 million or more in any fiscal year and those subject to review under s. 287.0576(1)(b), (c), (d), and (e) and (2):

(1) BUSINESS CASE.—The agency shall develop a business case which describes and analyzes the procurement. The business case is not subject to challenge or protest pursuant to chapter 120. The business case shall include, but not be limited to, the information in paragraphs (a)-(l). For procurements not subject to commission review, the agency shall provide a copy of the business case to the President of the Senate and the Speaker of the House at least 14 days prior to releasing a solicitation. For procurements subject to commission review, the business case shall be in such detail as is appropriate given the current phase of the procurement but shall contain sufficient information to enable the commission to determine at that gate whether the procurement may proceed to the next procurement phase:

(a)1. A detailed description of the function or responsibility for which the procurement is proposed;

2. If the agency is currently performing the function or responsibility, a description and analysis of the agency's current performance, including, but not limited to, baseline costs and performance metrics;

3. The goals desired to be achieved through the procurement and the rationale for such goals; and

4. A citation of the existing or proposed legal authority for contracting for the function or responsibility.

(b)1. A description of available options for achieving the goals. If state employees are currently performing the function or responsibility, at least one option involving maintaining state provision of the function or responsibility shall be included.

2. A description of the current market for the contractual services which are under consideration for procurement.

3. An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks.

(c) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis shall specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost shall be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. "Cost" means the reasonable, relevant, and verifiable cost which may include, but not be limited to, elements such as personnel costs, materials and supplies, services, equipment, capital depreciation costs, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements shall depend on the nature of the specific initiative. "Savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

(d) A description of variance among agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required.

(e) A description of the specific performance standards that must, at a minimum, be met to ensure adequate performance.

(f) A statement of the potential impact on federal, state, and local revenues and expenditures. The statement shall specifically describe the effect on general revenue, trust funds, general revenue service charges, and interest on trust funds together with the potential direct or indirect effect on federal funding and cost allocations.

(g) The projected timeframe for key events, from the beginning of the procurement process through the expiration of a contract.

(h) A plan to ensure compliance with public records law which must include components that:

1. Provide public access to public records at a cost that does not exceed that provided in chapter 119.

2. Ensure the confidentiality of records that are exempt or confidential under law.

3. Meet all legal requirements for record retention provided by law.

4. Require transfer to the state, at no cost, of all public records in possession of the contractor upon termination of the contract.

(i) A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation.

(j) An agency transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan shall contain a reemployment and retraining assistance plan for employees who are not retained by the agency or employed by the contractor.

(k) A listing of any assets proposed for surplus or use by a contractor. For those assets proposed to be used by a contractor, the business case shall include a description of the proposed requirements for maintaining those assets by the contractor or the agency in accordance with chapter 273, a plan for the transitioning of the assets upon termination of the contract, and a description of how the planned use by a contractor is in the best interest of the agency and state.

(l) A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.

If a contractual services procurement meets the criteria for submission of feasibility study documentation as required by the legislative budget request instructions established pursuant to s. 216.023, the agency shall submit such documentation.

(2) SOLICITATION REQUIREMENTS.—The solicitation for a contractual services procurement shall include, at a minimum:

(a) A detailed description of the function or responsibility under consideration for contracting and, if the function or responsibility is currently being performed by an agency, a description and analysis of the agency's current performance.

(b) Requirements that are achievable, unambiguous, measurable, meaningful, and complete.

(c) The criteria that after contract execution will be used to assess contractor performance and the minimum acceptable contractor performance levels.

(3) CONTRACT.—Each contract must include, but need not be limited to:

(a) A detailed scope of work that clearly specifies each service or deliverable to be provided, including a description of each deliverable or activity that is quantifiable, measurable, and verifiable.

(b) All service-level agreements describing all services to be provided under the terms of the agreement, the agency's service requirements and performance objectives, and specific responsibilities of the agency and the contractor.

(c) Associated costs and savings, specific payment terms and payment schedule, including incentive and disincentive provisions, criteria governing payment, and a clear and specific implementation schedule that will be implemented in order to complete all required activities needed to transfer the service from the agency to the contractor and operate the service successfully.

(d) Clear and specific identification of all required performance standards, which must include, at a minimum:

1. Detailed measurable acceptance criteria for each deliverable and service to be provided to the agency under the terms of the contract which document the required performance level.

2. A method for monitoring and reporting progress in achieving specified performance standards and levels.

3. The sanctions or disincentives that shall be assessed for nonperformance by the contractor or agency.

(e) A requirement that the contractor maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(f) A requirement authorizing state access to and audit of all records related to the contract or any responsibilities or functions under the contract for state audit and legislative oversight purposes and a requirement for service organization audits in accordance with professional auditing standards, if appropriate.

(g) A requirement describing the timing and substance of all plans and status or progress reports that are to be provided. All plans and status or progress reports must comply with any relevant state and federal standards.

(h) A requirement that the contractor comply with public records laws. The contractor must:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the function or service.

2. Provide the public with access to such public records on the same terms and conditions that the state agency would and at a cost that does not exceed that provided in chapter 119.

3. Ensure the confidentiality of records that are exempt from public disclosure or made confidential under law.

4. Meet all requirements for retaining records and transfer to the state, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records which are exempt and confidential. All records stored electronically must be provided to the state in a format that is compatible with information technology systems of the state.

(i) A requirement that any state funds provided for the purchase of or improvements to real property be made contingent upon the contractor granting to the state a security interest in the property which is at least equal to the amount of the state funds provided for the most recent years following the date of purchase or the completion of improvements, or as otherwise required by law. The contract must include a provision that, if the contractor disposes of the property before the agency's interest is vacated, the contractor will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

(j) If a contract involves the development or creation of intellectual property, the contract must specify the ownership of such intellectual property and any rights of the state to use, modify, reproduce, or disseminate the intellectual property.

(k) A provision that the contractor annually submit and verify, pursuant to s. 92.525, all required financial statements.

(l) A requirement that the contractor shall interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(m) Provisions requiring that venue for any action regarding the contract shall be in Leon County and that the contract shall be interpreted according to the laws of this state.

(4) AMENDMENTS.—An agency may not amend a contract without first submitting the proposed contract amendment to the Executive Office of the Governor for approval and notifying the chairs of the legislative appropriations committees of such submission if the effect of the amendment would be to:

(a) Increase the value of the contract by $1 million or more for those contracts with a total value of at least $1 million but less than $10 million; or

(b) Increase the value of the contract by 10 percent or more for those contracts with a total value of $10 million or more.

An agency shall not divide a contract amendment so as to avoid the requirements of this section.

(5) In addition to the requirements of subsections 287.057(13) and (14), prior to the renewal or extension of a contract, an agency shall document whether all specific direct and indirect costs, savings, performance standards, and qualitative and quantitative benefits identified in the contract have been met by the contractor and the agency. If the actual performance of the contractor does not meet the required performance as identified in the contract, the agency shall explain the reasons why and provide justification for the extensions or renewal of the contract. This documentation shall be included in the official contract file.

Section 8. Section 287.0578, Florida Statutes, is created to read:

287.0578 Subsequent inconsistent laws.—Subsequent inconsistent laws shall supersede this act only to the extent they do so by express reference to this section.

Section 9. Paragraph (b) of subsection (17) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(17) For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. *When the annual value of a contract is in excess of $1 million, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon rules adopted by the Department of Management Services.*

Section 10. Section 215.4211, Florida Statutes, is created to read:

215.4211 Review of contracts for state agencies.—The Chief Financial Officer may request, as he or she deems necessary, the option to review and provide comments prior to the execution of any contract that is required to be in compliance with the provisions of s. 287.0577(3).

Section 11. Section 216.1817, Florida Statutes, is created to read:

216.1817 Placement of positions in reserve; reestablishment of positions.—If a procurement of contractual services involves the performance of functions or responsibilities that are being shifted from state employees to a contractor, the agency shall identify within the business case prepared pursuant to s. 287.0577 all resources which are affected, including full-time equivalent positions. All full-time equivalent positions identified in the business case shall be placed in reserve by the Executive Office of the Governor until the end of the second year of the contract. However, in the business case, the agency may account for any savings from the full-time equivalent positions identified and held in reserve. Notwithstanding the provisions of s. 216.262, the Executive Office of the Governor shall request authority from the Legislative Budget Commission to reestablish full-time equivalent positions above the number fixed by the Legislature if a contract is terminated and the performance of the functions or responsibilities must be returned to the agency.

Section 12. *This act shall not apply to administrative, examination, licensing, investigative, and prosecutorial services for any board, commission, or council created within the Department of Business and Professional Regulation pursuant to chapter 20, Florida Statutes, as the privatization of such services is governed by ss. 455.32 and 471.038, Florida Statutes.*

Section 13. Section 287.074, Florida Statutes, is created to read:

287.074 Actions reserved to public officers or employees.—

(1) Only a public officer or a public employee upon whom the public officer has delegated authority shall, consistent with law, take actions including, but not limited to:

(a) Selecting state employees;

(b) Approving position descriptions, performance standards, or salary adjustments for state employees; and

(c) Hiring, promoting, disciplining, demoting, and dismissing a state employee.

(2) Only a public officer shall, consistent with law, commission and appoint state officers.

Section 14. *A contractor, as defined in chapter 287, Florida Statutes, or its employees, agents, or subcontractors, may not knowingly participate, through decision, approval, disapproval, preparation of any part of a purchase request, investigation, or auditing, in the procurement of contractual services by an agency from an entity in which the contractor, or its employees, agents, or subcontractors has a material interest.*

Section 15. *The Center for Efficient Government and the Commission on Efficient Government shall terminate on July 1, 2010, unless reenacted by the Legislature prior to that date. It is the intent of the Legislature that, beginning July 1, 2010, the various state agencies shall perform the review functions required under this act for procurements of contractual services under their jurisdiction. It is also the intent of the Legislature that beginning July 1, 2010, the positions authorized by this act shall remain with the Department of Management Services, which shall continue providing technical assistance as required in this act.*

Section 16. Section 287.0572, Florida Statutes, is renumbered as section 287.0579, Florida Statutes:

287.0579 ~~287.0572~~ Present-value methodology.—

(1) The cost of bids, proposals, or replies for state contracts that include provisions for unequal payment streams or unequal time payment periods shall be evaluated using present-value methodology. Each agency, as defined in s. 287.012(1), shall perform the evaluation using the present-value discount rate supplied by the department. The present-value discount rate shall be the rate for United States Treasury notes and bonds published in the Interest Rates: Money and Capital Markets section of the most recent copy of the Federal Reserve Bulletin published at the time of issuance of the request for proposals, the invitation to negotiate, or the invitation to bid.

(2) The department may adopt rules to administer subsection (1).

Section 17. Subsection (3) of section 119.0721, Florida Statutes, is amended to read:

119.0721 Social security number exemption.—

(3) An agency shall not deny a commercial entity engaged in the performance of a commercial activity*, which, for purposes of this subsection, means an activity that provides a product or service that is available from a private source* ~~as defined in s. 14.203~~ or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity makes a written request for social security numbers, verified as provided in s. 92.525, legibly signed by an authorized officer, employee, or agent of the commercial entity. The verified written request must contain the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the normal course of business for legitimate business purposes. The aggregate of these requests shall serve as the basis for the agency report required in subsection (7). An agency may request any other information as may be reasonably necessary to verify the identity of the entity requesting the social security numbers and the specific purposes for which such numbers will be used; however, an agency has no duty to inquire beyond the information contained in the verified written request. A legitimate business purpose includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use in a civil, criminal, or administrative proceeding; use for insurance purposes; use in law enforcement and investigation of crimes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. A legitimate business purpose does not include the display or bulk sale of social security numbers to the general public or the distribution of such numbers to any customer that is not identifiable by the distributor.

Section 18. *Section 14.203, Florida Statutes, is repealed.*

Section 19. *There is hereby appropriated $1,023,554 recurring budget authority to the Department of Management Services from the General Revenue Fund, and nine full-time equivalent positions are authorized, to carry out the activities of the Center for Efficient Government and the Commission on Efficient Government as provided in this act.*

Section 20. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled An act relating to procurement of contractual services by an agency; amending s. 20.22, F.S.; placing the Center for Efficient Government in the Department of Management Services; creating s. 287.0571, F.S.; providing a popular name; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; providing specified applicability; creating s. 287.0573, F.S.; providing definitions; creating s. 287.0574, F.S.; providing criteria for the procurement of contractual services by an agency; requiring an agency to include with its final legislative budget request the business cases for specified procurements; creating s. 287.0575, F.S.; creating the Commission on Efficient Government within the Department of Management Services; providing for purpose, membership, and organization of the commission; providing duties and responsibilities of the commission; creating the Center for Efficient Government; providing purpose and organization of the center; providing duties and responsibilities of the center; requiring the center to recommend and implement a centralized gate process for reviewing, evaluating, and approving agency procurements; requiring state agencies to submit specified information, documents, and other materials required under commission rules; creating s. 287.0576, F.S.; specifying procurements which must be reviewed and evaluated under the centralized gate process; providing minimum requirements for the centralized gate process; providing for specified determinations by the commission at each gate; providing procedure with respect to an unfavorable finding by the commission with respect to a procurement required by law; providing that agencies under the individual control of the Attorney General, Chief Financial Officer, or Commissioner of Agriculture are subject to the act, with specified exceptions; providing authority of the agency head with respect to procurements by such agencies; establishing the gates within the centralized gate process; requiring agencies to submit specified documents for commission review at each gate; providing for nullification of executed contracts for procurement under specified circumstances; requiring the commission to take action at each gate within a specified time period; providing procedure if the commission does not take action within such time period; requiring the submission of annual status reports; creating s. 287.0577, F.S.; providing requirements for procurement of certain contractual services; requiring an agency to develop a business case which describes and analyzes a contractual services procurement under consideration; providing that the business case is not subject to challenge or protest under the Administrative Procedure Act; providing required components of a business case; defining "cost" and "savings"; providing requirements with respect to the solicitation for a contractual services procurement; providing contract requirements for a contractual services procurement; providing requirements with respect to contract amendments; providing that specified contract amendments must be submitted to the Executive Office of the Governor for approval; requiring notification of such submission to the chairs of the legislative appropriations committees; prohibiting the division of a contract amendment to avoid specified requirements; requiring documentation of contractor performance prior to renewal or extension of a contract; creating s. 287.0578, F.S.; providing for conditional supersession of the act; amending s. 287.057, F.S.; providing a requirement with respect to the composition of persons chosen to conduct negotiations during a specified competitive sealed reply procurement; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; creating s. 216.1817, F.S.; requiring the placement of full-time equivalent positions in reserve under certain conditions; providing for the reestablishment of full-time equivalent positions upon termination of a contract and reversion of functions and responsibilities to the agency; providing nonapplicability of the act with respect to the privatization of boards, commissions, or councils created within the Department of Business and Professional Regulation; creating s. 287.074, F.S.; providing that only public officers or employees must perform certain functions; providing restrictions on contractor involvement in the procurement of contractual services; providing for future termination of the Center for Efficient Government and the Commission on Efficient Government; providing legislative intent with respect to the performance of review functions and assistance to agencies for procurements of contractual services by state agencies after a specified date; providing that positions authorized under the act shall remain with the Department of Management Services after a specified date; repealing s. 14.203, F.S., which creates the State Council on Competitive Government and provides duties and authority of the council; providing an appropriation; providing full-time equivalent positions; amending s. 119.0721, F.S.; removing a cross reference; clarifying the meaning of "commercial activity" to conform to the removal of the reference; providing an effective date.

WHEREAS, the private sector can often perform services with greater efficiency and effectiveness at a lower cost than the state, and

WHEREAS, the state has long been a leader in innovative practices, in part because of its partnerships with the private sector, and

WHEREAS, the state desires to reap the benefits of lower costs, high quality, and innovation by working closely with the private sector, and

WHEREAS, the state still maintains responsibility for ensuring that the services performed by the private sector on behalf of the state are of high quality, cost-effective, and appropriate functions for the private sector, and

WHEREAS, leading businesses have developed best practices to determine what to obtain from the market and how to ensure that such

services are provided at the desired quality and at the appropriate cost, and

WHEREAS, the executive branch has made great progress in promoting the use of such best practices, and the citizens of the state could benefit by the increased adoption across state government of such best practices, NOW, THEREFORE,

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for CS for SB 1146 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1168, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve, reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; requiring the commission to present a formula to the Legislative Budget Commission for allocating the Medicaid nonemergency transportation funds the commission anticipates receiving from the Agency for Health Care Administration; requiring the commission to document the amount of the funding expected to be allocated to each county; prohibiting any reduction in allocation to a county unless the General Appropriations Act reduces the amount allocated to the commission; amending s. 427.013, F.S.; requiring the commission to develop a Medicaid allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing for the methodology to develop the formula; providing an effective date.

House Amendment 1 (207639)(with title amendment)—On page 2, line 28,

remove: everything after the enacting clause

and insert:

Section 1. Section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of *seven members, all of whom shall be appointed by the Governor.*

(a) Five of the appointed members must have significant experience in the operation of a business and, when making an appointment, it is the intent of the Legislature that the Governor select persons who reflect the broad diversity of the business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

(b) Two of the members appointed must be persons with a disability who use the transportation disadvantaged system.

(c) Each member of the commission shall represent the needs of the transportation disadvantaged throughout the state. A member may not subordinate the needs of the transportation disadvantaged in general in order to favor the needs of others residing in a specific location in the state.

(d) Each person appointed to the board of the commission shall serve a term of 4 years. A member may be reappointed for one additional 4-year term.

(e) A member must be a citizen of the state and a registered voter.

(f) The Secretary of Transportation, the Secretary of Children and Family Services, the director of Workforce Innovation, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and an elected official of local government who is appointed by the Governor, or a designee of each, respectively, shall serve as ex officio, nonvoting advisors to the commission.

(g) A person appointed to the board of the commission may not, within the 5 years immediately before the appointment, or during his or her term on the board, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045 the following:

1. A transportation operator;

2. A community transportation coordinator;

3. A metropolitan planning organization;

4. A designated official planning agency;

5. A purchaser agency;

6. A local coordinating board;

7. A broker of transportation; or

8. A provider of transportation services. ~~the following members:~~

~~(a) The secretary of the Department of Transportation or the secretary's designee.~~

~~(b) The secretary of the Department of Children and Family Services or the secretary's designee.~~

~~(c) The Commissioner of Education or the commissioner's designee.~~

~~(d) The secretary of the Department of Labor and Employment Security or the secretary's designee.~~

~~(e) The executive director of the Department of Veterans' Affairs or the executive director's designee.~~

~~(f) The secretary of the Department of Elderly Affairs or the secretary's designee.~~

~~(g) The director of the Agency for Health Care Administration or the director's designee.~~

~~(h) A representative of the Florida Association for Community Action, who shall serve at the pleasure of that association.~~

~~(i) A representative of the Florida Transit Association, who shall serve at the pleasure of that association.~~

~~(j) A person over the age of 60 who is a member of a recognized statewide organization representing elderly Floridians. Such person shall be appointed by the Governor to represent elderly Floridians and shall be appointed to serve a term of 4 years.~~

~~(k) A handicapped person who is a member of a recognized statewide organization representing handicapped Floridians. Such person shall be appointed by the Governor to represent handicapped Floridians and shall be appointed to serve a term of 4 years.~~

~~(l) Two citizen advocate representatives who shall be appointed by the Governor for a term of 4 years, one representing rural citizens and one representing urban citizens.~~

~~(m) A representative of the community transportation coordinators. Such person shall be appointed by the Governor to represent all community transportation coordinators and shall be appointed to serve a term of 4 years.~~

~~(n) One member of the Early Childhood Council. Such person shall be appointed by the Governor to represent maternal and child health care providers and shall be appointed to serve a term of 4 years.~~

~~(o) Two representatives of current private for-profit or private not-for-profit transportation operators each of which have a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair/stretcher-type transportation, utilizing not less than 50 vehicles and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.~~

~~(p) Four representatives of current private for-profit or private not-for-profit transportation operators, each of which having a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair or stretcher-type transportation, utilizing not less than 50 vehicles, and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.~~

~~(q) Six citizens representing the nontransportation business community of the state, three members appointed by the President of the Senate and three members appointed by the Speaker of the House of Representatives.~~

(2) The chairperson *shall be appointed by the Governor* and vice chairperson of the commission shall be elected annually from the membership of the commission.

(3) Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. *Five* ~~Nine~~ members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

(5) The Governor may remove any member of the commission for cause.

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04, by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission if any candidate failed to meet level 2 screening standards. A candidate found to have failed to meet level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate for appointment to the commission.

(7)~~(6)~~ The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. All employees of the commission are exempt from the Career Service System.

(8) The commission shall appoint at least four technical advisory committees to advise the commission on issues of importance to the state and to regions of the state.

(a) One technical advisory committee shall provide information, advice, and direction to the commission on the coordination of services for the transportation disadvantaged. Its membership shall include, but need not be limited to, representatives of community transportation coordinators and private paratransit providers.

(b) One technical advisory committee shall provide information, advice, and direction to the commission on the transportation planning issues affecting the transportation disadvantaged program. Its membership may include, but need not be limited to, representatives of metropolitan planning organizations and regional planning councils.

(c) One technical advisory committee shall provide information, advice, and direction to the commission on business-related issues affecting the transportation disadvantaged program. Its membership may include, but need not be limited to, persons with expertise in insurance, marketing, economic development, or financial planning.

(d) One technical advisory committee shall be a forum for users of the transportation disadvantaged system. Its membership may include, but need not be limited to, direct users of the system and representatives of the users, such as parents and other relatives, guardians, and service professionals who tend to the needs of persons who are transportationally disadvantaged.

(e) The commission may establish the size, composition, and focus of any technical advisory committee it creates. A member appointed to a technical advisory committee shall serve without compensation and without per diem.

(9)~~(7)~~ The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(10)~~(8)~~ The commission shall develop a budget *under*~~pursuant to~~ chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor, as head of the department, along with the budget of the department.

(11)(a) No later than 30 days after the Governor issues his executive budget recommendations, the commission shall present to the Legislative Budget Commission a proposed formula for allocating the transportation funds that the commission anticipates receiving from the General Appropriations Act for the next fiscal year. The document must specifically detail the amount of funding expected to be allocated to each county for transportation disadvantaged services. The Legislative Budget Commission shall approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed funding allocation formula.

(b) Upon the General Appropriations Act becoming law, the commission shall present to the Legislative Budget Commission the county distribution schedule, which is the approved allocation formula applied to the funds allocated to the commission.

(c) The commission may not change the transportation disadvantaged distribution schedule without the permission of the Legislative Budget Commission, except in the case of a disaster as defined in chapter 252.

Section 2. Subsection (12) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(12)*(a)* Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(b) Develop an allocation methodology or formula that equitably distributes all funds, to include Medicaid nonemergency transportation funds, under the control of the commission to compensate counties, community transportation coordinators, or other entities providing transportation disadvantaged services. The formula shall take into account not only the actual costs of each transportation disadvantaged trip but also those efficiencies that a provider might adopt to reduce costs, including cost efficiencies of trips when compared to the local cost of transporting the general public.

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 2 through page 2, line 25,

remove: all of said lines

and insert: An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; providing for nonvoting advisory members; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve, reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing an effective date.

On motion by Senator Constantine, the Senate concurred in the House amendment.

CS for CS for SB 1168 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery
Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1180, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1180—A bill to be entitled An act relating to the regulation of health professionals; amending s. 458.348, F.S.; providing that a licensed advanced registered nurse practitioner, or physician assistant, practicing under a protocol with a physician licensed under ch. 458, F.S., or ch. 459, F.S., need not be a licensed electrologist to perform certain hair removal procedures; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program; providing an effective date.

House Amendment 1 (493107)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(1) There is created within the department the Board of Medicine, composed of *17* ~~15~~ members appointed by the Governor and confirmed by the Senate.

(2) Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine *in this state with a full and unrestricted medical license* for at least *5* **4** years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. The remaining *five* ~~three~~ members must be residents of the state who *have lived in the state for at least 5 years immediately preceding their appointments, have never been licensed as a health care practitioner under chapter 456 or the applicable practice act, and do not have a substantial personal, business, professional, or pecuniary connection with a licensed health care practitioner or with a medical education or health care facility, except as patients or potential patients* ~~are not, and never have been,~~

~~licensed health care practitioners~~. One member must be a health care risk manager licensed under s. 395.10974. At least one member of the board must be 60 years of age or older. *The requirements of this subsection shall be a continuing condition of membership on the board. Any member who ceases to meet the requirements of this subsection shall be removed from the board, and a new qualified member shall be appointed to fill the vacancy for the remainder of that member's term.*

Section 2. *The requirements of section 458.307, Florida Statutes, as amended by this act, shall apply to appointments made on or after the effective date of this act and shall not be construed to end the term of any member of the Board of Medicine holding that appointment on the effective date of this act. The term of the additional members required to be appointed under section 458.307, Florida Statutes, as amended by this act, shall begin November 1, 2005.*

Section 3. Subsections (2) through (8) of section 458.311, Florida Statutes, are renumbered as subsections (3) through (9), respectively, present subsections (5) and (7) are amended, and a new subsection (2) is added to said section, to read:

458.311 Licensure by examination; requirements; fees.—

(2) Notwithstanding sub-subparagraphs (1)(f)1.c., (1)(f)2.c., and (1)(f)3.c. and paragraph (3)(d), except for passing part II of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent as referred to in paragraph (3)(d), the department may develop procedures for an applicant for licensure as a physician pursuant to this chapter to meet postgraduate training requirements by completion of a 2-year externship at a nonstatutory teaching hospital licensed in this state. The training provided in the externship shall be substantially similar, as defined by board rule, to the training provided in an approved residency as provided in sub-subparagraph (1)(f)1.c., sub-subparagraph (1)(f)2.c., or sub-subparagraph (1)(f)3.c. In order for the externship to meet the requirements of this subsection, it must be approved by the board prior to the applicant entering into the externship. The applicant shall not be licensed pursuant to this subsection unless the board finds that the applicant has successfully completed the externship. The board may adopt rules to implement this subsection, including the implementation of fees to cover costs.

(6)~~(5)~~ The board may not certify to the department for licensure any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this chapter until such investigation is completed. Upon completion of the investigation, the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, then the board may enter an order imposing one or more of the terms set forth in subsection *(9)*~~(8)~~.

(8)~~(7)~~ Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter *or if the externship requirement provided in subsection (2) was complied with at a nonstatutory teaching hospital*.

Section 4. Paragraph (a) of subsection (1) of section 458.313, Florida Statutes, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department on forms furnished by the department and remitting a fee set by the board not to exceed $500, the board certifies:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and *(4)*~~(3)~~;

Section 5. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he or she is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in s. 458.311(1)(a)-(g) and *(6)*~~(5)~~.

Section 6. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in s. 458.311(1)(a)-(g) and *(6)*~~(5)~~. A recipient of a public psychiatry certificate may use the certificate to work at any public mental health facility or program funded in part or entirely by state funds.

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and the chair of the department of psychiatry at one of the public medical schools or the chair of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificate-holder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 7. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he or she has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. However, a physician who is not fully retired in all jurisdictions may use a limited license only for non-compensated practice. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.

2. Meet the requirements in s. 458.311(1)(b)-(g) and *(6)*~~(5)~~. If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 8. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants, unless a physician assistant is not available.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) Notwithstanding any law to the contrary, a practitioner licensed under this chapter has a defense to an alleged violation, by the preponderance of the evidence, that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.

Section 9. Paragraph (b) of subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the department shall examine each applicant who the Board of Medicine certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the department to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The department shall not require the applicant to pass a separate practical component of the examination. For examinations given after July 1, 1998, competencies measured through practical examinations shall be incorporated into the written examination through a multiple-choice format. The department shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided that the translation request is filed with the board office no later than 9 months before the scheduled examination and the applicant remits translation fees as specified by the department no later than 6 months before the scheduled examination, and provided that the applicant demonstrates to the department the ability to communicate orally in basic English. If the applicant is unable to pay translation costs, the applicant may take the next available examination in English if the applicant submits a request in writing by the application deadline and if the applicant is otherwise eligible under this section. To demonstrate the ability to communicate orally in basic English, a passing score or grade is required, as determined by the department or organization that developed it, on the test for spoken English (TSE) by the Educational Testing Service (ETS), the test of English as a foreign language (TOEFL) by ETS, a high school or college level English course, or the English examination for citizenship, Bureau of Citizenship and Immigration Services. A notarized copy of an Educational Commission for Foreign Medical Graduates (ECFMG) certificate may also be used to demonstrate the ability to communicate in basic English; and

b.(I) Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), *(4)*~~(3)~~, *(5)*~~(4)~~, and *(6)*~~(5)~~ , with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates; was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991; and was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990; or

(II) Completed all coursework requirements of the Master of Medical Science Physician Assistant Program offered through the Florida College of Physician's Assistants prior to its closure in August of 1996. Prior to taking the examination, such applicant must successfully complete any clinical rotations that were not completed under such program prior to its termination and any additional clinical rotations with an appropriate physician assistant preceptor, not to exceed 6 months, that are determined necessary by the council. The boards shall determine, based on recommendations from the council, the facilities under which such incomplete or additional clinical rotations may be completed and shall also determine what constitutes successful completion thereof, provided such requirements are comparable to those established by accredited physician assistant programs. This sub-sub-subparagraph is repealed July 1, 2001.

2. The department may grant temporary licensure to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the department may grant temporary licensure to practice based on the completion of all temporary licensure requirements. All such administratively issued licenses shall be reviewed and acted on at the next regular meeting of the council. A temporary license expires 30 days after receipt and notice of scores to the licenseholder from the first available examination specified in subparagraph 1. following licensure by the department. An applicant who fails the proficiency examination is no longer temporarily licensed, but may apply for a one-time extension of temporary licensure after reapplying for the next available examination. Extended licensure shall expire upon failure of the licenseholder to sit for the next available examination or upon receipt and notice of scores to the licenseholder from such examination.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the department only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at 1-year intervals following the reporting of the scores of the first and subsequent examinations. For the purposes of this paragraph, the department may develop, contract for the development of, purchase, or approve an examination that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the department, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such examination. Any applicant who passes the examination and meets the requirements of this section shall be licensed as a physician assistant with all rights defined thereby.

Section 10. Subsection (2) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants, unless a physician assistant is not available.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the practice of medicine; amending s. 458.307, F.S.; revising membership requirements of the Board of

Medicine; providing for the appointment of additional members; providing applicability to current members; providing the beginning date for the term of additional members; membership and replacement of unqualified members; amending s. 458.311, F.S.; providing an option for applicants for physician licensure to complete an externship; authorizing the Department of Health to develop procedures relating to completion of the externship; requiring board approval of externships; authorizing the board to adopt rules to implement externship requirements, including fees to cover costs; revising the requirement of the department to impose conditions, limitations, or restrictions on a license; amending ss. 458.313, 458.316, 458.3165, 458.317, and 458.347, F.S.; correcting cross references; amending s. 458.331, F.S.; providing a requirement for a probable cause panel considering disciplinary action against a physician assistant; providing an exception; providing practitioners a defense to alleged violations; amending s. 459.015, F.S.; providing a requirement for a probable cause panel considering disciplinary action against a physician assistant; providing an exception; providing an effective date.

On motion by Senator Campbell, the Senate concurred in the House amendment.

CS for SB 1180 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1412, with amendment(s), by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1412—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

House Amendment 1 (105847)(with title amendment)—On page 1, remove line(s) 24-28,

and insert:

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unencumbered balance in the trust fund at the end of any fiscal year and any encumbered balance remaining undisbursed on December 31 of the same calendar year shall revert to the Department of Financial Services Tobacco Settlement Clearing Trust Fund.

And the title is amended as follows:

On page 1, remove line(s) 6-7,

and insert: purposes; providing for the disposition of any unencumbered balance and any undisbursed encumbered balance at the end of any fiscal year; providing for future review and

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 1412 passed as amended by the required constitutional three-fifths vote of the membership, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1476 , with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish

contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

House Amendment 1 (190073)(with title amendment)—On page 2, line(s) 2,

remove: everything after the enacting clause

and insert:

Section 1. *Department of Children and Family Services; procurement of contractual services; contract management.—*

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

(a) "Contract manager" means the department employee who is responsible for enforcing the compliance with administrative and programmatic terms and conditions of a contract. The contract manager is the primary point of contact through which all contracting information flows between the department and the contractor. The contract manager is responsible for day-to-day contract oversight, including approval of contract deliverables and invoices. All actions related to the contract shall be initiated by or coordinated with the contract manager. The contract manager maintains the official contract files.

(b) "Contract monitor" means the department employee who is responsible for observing, recording, and reporting to the contract manager and other designated entities the information necessary to assist the contract manager and program management in determining whether the contractor is in compliance with the administrative and programmatic terms and conditions of the contract.

(c) "Department" means the Department of Children and Family Services.

(d) "Outsourcing" means the process of contracting with an external service provider to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding section 287.057(5)(f)13., Florida Statutes, whenever the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision to the contrary, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

(b) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service-quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by section 287.057(17), Florida Statutes, to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why the inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by section 287.057(17), Florida Statutes. A governmental entity or unit of special purpose government may not name an employee as one of the persons required by section 287.057(17), Florida Statutes, if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or contributor of matching funds must comply with all procurement procedures set forth in section 287.057, Florida Statutes, when appropriate and required.

(c) The department may procure and contract for or provide assessment and case-management services independently from treatment services.

(3) CONTRACT-MANAGEMENT REQUIREMENTS AND PROCESS.—The Department of Children and Family Services shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the contract. Notwithstanding section 287.057(15), Florida Statutes, the department is responsible for establishing a contract-management process that requires a member of the department's Senior Management or Select Exempt Service to assign in writing the responsibility of a contract to a contract manager. The department shall maintain a set of procedures describing its contract-management process which must minimally include the following requirements:

(a) The contract manager shall maintain the official contract file throughout the duration of the contract and for a period not less than 6 years after the termination of the contract.

(b) The contract manager shall review all invoices for compliance with the criteria and payment schedule provided for in the contract and shall approve payment of all invoices before their transmission to the Department of Financial Services for payment.

(c) The contract manager shall maintain a schedule of payments and total amounts disbursed and shall periodically reconcile the records with the state's official accounting records.

(d) For contracts involving the provision of direct client services, the contract manager shall periodically visit the physical location where the services are delivered and speak directly to clients receiving the services and the staff responsible for delivering the services.

(e) The contract manager shall meet at least once a month directly with the contractor's representative and maintain records of such meetings.

(f) The contract manager shall periodically document any differences between the required performance measures and the actual performance measures. If a contractor fails to meet and comply with the performance measures established in the contract, the department may allow a reasonable period for the contractor to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the contractor to the department's satisfaction, the department must terminate the contract. The department may not enter into a new contract with that same contractor for the services for which the contract was previously terminated for a period of at least 24 months after the date of termination. The contract manager shall obtain and enforce corrective-action plans, if appropriate, and maintain records regarding the completion or failure to complete corrective-action items.

(g) The contract manager shall document any contract modifications, which shall include recording any contract amendments as provided for in this section.

(h) The contract manager shall be properly trained before being assigned responsibility for any contract.

(4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The department shall establish contract monitoring units staffed by career service employees who report to a member of the Select Exempt Service or Senior Management Service and who have been properly trained to perform contract monitoring, with at least one member of the contract monitoring unit possessing specific knowledge and experience in the contract's program area. The department shall establish a contract-monitoring process that must include, but need not be limited to, the following requirements:

(a) Performing a risk assessment at the start of each fiscal year and preparing an annual contract monitoring schedule that includes consideration for the level of risk assigned. The department may monitor any contract at any time regardless of whether such monitoring was originally included in the annual contract-monitoring schedule.

(b) Preparing a contract monitoring plan, including sampling procedures, before performing on site monitoring at external locations of a service provider. The plan must include a description of the programmatic, fiscal, and administrative components that will be monitored on site. If appropriate, clinical and therapeutic components may be included.

(c) Conducting analyses of the performance and compliance of an external service provider by means of desk reviews if the external service provider will not be monitored on site during a fiscal year.

(d) Unless the department sets forth in writing the need for an extension, providing a written report presenting the results of the monitoring within 30 days after the completion of the on-site monitoring or desk review.

(e) Developing and maintaining a set of procedures describing the contract-monitoring process.

Section 2. Section 402.73, Florida Statutes, is amended to read:

402.73 Contracting and performance standards.—

~~(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(5)(f), the department must competitively procure any contract for client services when any of the following occurs:~~

~~(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.~~

~~(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is $300,000 or more.~~

~~(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.~~

~~(2) The competitive requirements of subsection (1) must be initiated for each contract that meets the criteria of this subsection, unless the secretary makes a written determination that particular facts and circumstances require deferral of the competitive process. Facts and circumstances must be specifically described for each individual contract proposed for deferral and must include one or more of the following:~~

~~(a) An immediate threat to the health, safety, or welfare of the department's clients.~~

~~(b) A threat to appropriate use or disposition of facilities that have been financed in whole, or in substantial part, through contracts or agreements with a state agency.~~

~~(c) A threat to the service infrastructure of a community which could endanger the well-being of the department's clients.~~

~~Competitive procurement of client services contracts that meet the criteria in subsection (1) may not be deferred for longer than 1 year.~~

~~(3) The Legislature intends that the department obtain services in the manner that is most cost-effective for the state, that provides the greatest long-term benefits to the clients receiving services, and that minimizes the disruption of client services. In order to meet these legislative goals, the department may adopt rules providing procedures for the competitive procurement of contracted client services which represent an alternative to the request-for-proposal or invitation-to-bid process. The alternative competitive procedures shall permit the department to solicit professional qualifications from prospective providers and to evaluate such statements of qualification before requesting service proposals. The department may limit the firms invited to submit service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration, but may not invite fewer than three firms to submit service proposals, unless fewer than three firms submitted satisfactory statements of qualification. The alternative procedures must, at a minimum, allow the department to evaluate competing proposals and select the proposal that provides the greatest benefit to the state while considering the quality of the services, dependability, and integrity of the provider, the dependability of the provider's services, the experience of the provider in serving target populations or client groups substantially identical to members of the target population for the contract in question, and the ability of the provider to secure local funds to support the delivery of services, including, but not limited to, funds derived from local governments. These alternative procedures need not conform to the requirements of s. 287.042 or s. 287.057(1) or (2).~~

~~(4) The department shall review the period for which it executes contracts and, to the greatest extent practicable, shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution.~~

~~(5) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service-quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes match to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by s. 287.057(17) to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why such inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by s. 287.057(17). No governmental entity or unit of special purpose government may name an employee as one of the persons required by s. 287.057(17) if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or match contributor shall comply with any deadlines and procurement procedures established by the department. The department may also involve nongovernmental funding entities in the procurement process when appropriate.~~

~~(6) The department may contract for or provide assessment and case management services independently from treatment services.~~

(1)~~(7)~~ The Department *of Children and Family Services* shall adopt, by rule, provisions for including in its contracts incremental penalties to be imposed by its contract managers on a service provider due to the provider's failure to comply with a requirement for corrective action. Any financial penalty that is imposed upon a provider may not be paid from funds being used to provide services to clients, and the provider may not reduce the amount of services being delivered to clients as a method for offsetting the impact of the penalty. If a financial penalty is imposed upon a provider that is a corporation, the department shall notify, at a minimum, the board of directors of the corporation. The department may

notify, at its discretion, any additional parties that the department believes may be helpful in obtaining the corrective action that is being sought. Further, the rules adopted by the department must include provisions that permit the department to deduct the financial penalties from funds that would otherwise be due to the provider, not to exceed 10 percent of the amount that otherwise would be due to the provider for the period of noncompliance. If the department imposes a financial penalty, it shall advise the provider in writing of the cause for the penalty. A failure to include such deductions in a request for payment constitutes a ground for the department to reject that request for payment. The remedies identified in this subsection do not limit or restrict the department's application of any other remedy available to it in the contract or under law. The remedies described in this subsection may be cumulative and may be assessed upon each separate failure to comply with instructions from the department to complete corrective action.

~~(8) The department shall develop standards of conduct and a range of disciplinary actions for its employees which are specifically related to carrying out contracting responsibilities.~~

(2)~~(9)~~ The *Agency for Persons with Disabilities* ~~department~~must implement systems and controls to ensure financial integrity and service provision quality in the developmental services Medicaid waiver service system.

~~(10) If a provider fails to meet the performance standards established in the contract, the department may allow a reasonable period for the provider to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the provider to the department's satisfaction, the department must cancel the contract with the provider. The department may not enter into a new contract with that same provider for the services for which the contract was previously canceled for a period of at least 24 months after the date of cancellation. If an adult substance abuse services provider fails to meet the performance standards established in the contract, the department may allow a reasonable period, not to exceed 6 months, for the provider to correct performance deficiencies. If the performance deficiencies are not resolved to the satisfaction of the department within 6 months, the department must cancel the contract with the adult substance abuse provider, unless there is no other qualified provider in the service district.~~

(3)~~(11)~~ The department shall include in its standard contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law. The contract must include a provision that, as a condition of receipt of state funding for this purpose, the provider agrees that, if it disposes of the property before the department's interest is vacated, the provider will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

~~(12) The department shall develop and refine contracting and accountability methods that are administratively efficient and that provide for optimal provider performance.~~

~~(13) The department may competitively procure any contract when it deems it is in the best interest of the state to do so. The requirements described in subsection (1) do not, and may not be construed to, limit in any way the department's ability to competitively procure any contract it executes, and the absence of any or all of the criteria described in subsection (1) may not be used as the basis for an administrative or judicial protest of the department's determination to conduct competition, make an award, or execute any contract.~~

~~(14) A contract may include cost-neutral, performance-based incentives that may vary according to the extent a provider achieves or surpasses the performance standards set forth in the contract. Such incentives may be weighted proportionally to reflect the extent to which the provider has demonstrated that it has consistently met or exceeded the contractual requirements and the department's performance standards.~~

(4)~~(15)~~ Nothing contained in chapter 287 shall require competitive bids for health services involving examination, diagnosis, or treatment.

Section 3. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; *outsourcing* ~~privatization.—~~

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall *outsource*~~privatize~~ the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its *outsourcing* ~~privatization~~ of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Counties that provide children and family services with at least 40 licensed residential group care beds by July 1, 2003, and provide at least $2 million annually in county general revenue funds to supplement foster and family care services shall continue to contract directly with the state and shall be exempt from the provisions of this section. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term *"outsource"* ~~"privatize"~~ means to contract with competent, community-based agencies. The department shall submit a plan to accomplish *outsourcing* ~~privatization~~ statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which *outsourcing* ~~privatization~~ cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total *outsourcing* ~~privatization~~, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, the state attorney shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Pinellas and Pasco Counties. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the *outsourcing* ~~privatization~~ project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) It is the intent of the Legislature that the department will continue to work towards full *outsourcing* ~~privatization~~ in a manner that assures the viability of the community-based system of care and best provides for the safety of children in the child protection system. To this end, the department is directed to continue the process of *outsourcing* ~~privatizing~~ services in those counties in which signed startup contracts have been executed. The department may also continue to enter into

startup contracts with additional counties. However, no services shall be transferred to a community-based care lead agency until the department, in consultation with the local community alliance, has determined and certified in writing to the Governor and the Legislature that the district is prepared to transition the provision of services to the lead agency and that the lead agency is ready to deliver and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district and the lead agency.

1. The assessment shall evaluate the operational readiness of the district and the lead agency based on:

a. A set of uniform criteria, developed in consultation with currently operating community-based care lead agencies and reflecting national accreditation standards, that evaluate programmatic, financial, technical assistance, training and organizational competencies; and

b. Local criteria reflective of the local community-based care design and the community alliance priorities.

2. The readiness assessment shall be conducted by a joint team of district and lead agency staff with direct experience with the start up and operation of a community-based care service program and representatives from the appropriate community alliance. Within resources available for this purpose, the department may secure outside audit expertise when necessary to assist a readiness assessment team.

3. Upon completion of a readiness assessment, the assessment team shall conduct an exit conference with the district and lead agency staff responsible for the transition.

4. Within 30 days following the exit conference with staff of each district and lead agency, the secretary shall certify in writing to the Governor and the Legislature that both the district and the lead agency are prepared to begin the transition of service provision based on the results of the readiness assessment and the exit conference. The document of certification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team as well as a description of each element of readiness needing improvement and strategies being implemented to address each one.

(c) The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with The Child Welfare League of America and the Louis de la Parte Florida Mental Health Institute, shall jointly review and assess the department's process for determining district and lead agency readiness.

1. The review must, at a minimum, address the appropriateness of the readiness criteria and instruments applied, the appropriateness of the qualifications of participants on each readiness assessment team, the degree to which the department accurately determined each district and lead agency's compliance with the readiness criteria, the quality of the technical assistance provided by the department to a lead agency in correcting any weaknesses identified in the readiness assessment, and the degree to which each lead agency overcame any identified weaknesses.

2. Reports of these reviews must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on March 1 and September 1 of each year until full transition to community-based care has been accomplished statewide, except that the first report must be submitted by February 1, 2004, and must address all readiness activities undertaken through June 30, 2003. The perspectives of all participants in this review process must be included in each report.

(d) In communities where economic or demographic constraints make it impossible or not feasible to competitively contract with a lead agency, the department shall develop an alternative plan in collaboration with the local community alliance, which may include establishing innovative geographical configurations or consortia of agencies. The plan must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships.

(e) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for *an outsourcing* ~~a privatization~~ project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services. Such agencies should directly provide no more than 35 percent of all child protective services provided.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

7. The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.

8. Written agreements with Healthy Families Florida lead entities in their community, pursuant to s. 409.153, to promote cooperative planning for the provision of prevention and intervention services.

9. A board of directors, of which at least 51 percent of the membership is comprised of persons residing in this state. Of the state residents, at least 51 percent must also reside within the service area of the lead community-based provider.

(f)1. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be *outsourced* ~~privatized~~ pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such *outsourcing* ~~privatization~~ is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

2. The Legislature further finds that, by requiring the following minimum levels of insurance, children in *outsourced* ~~privatized~~ foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(g) In any county in which a service contract has not been executed by December 31, 2004, the department shall ensure access to a model comprehensive residential services program as described in s. 409.1677 which, without imposing undue financial, geographic, or other barriers, ensures reasonable and appropriate participation by the family in the child's program.

1. In order to ensure that the program is operational by December 31, 2004, the department must, by December 31, 2003, begin the process of establishing access to a program in any county in which the department has not either entered into a transition contract or approved a community plan, as described in paragraph (d), which ensures full *outsourcing* ~~privatization~~ by the statutory deadline.

2. The program must be procured through a competitive process.

3. The Legislature does not intend for the provisions of this paragraph to substitute for the requirement that full conversion to community-based care be accomplished.

(h) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (e), or its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. The eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles. In any tort action brought against such an eligible lead community-based provider or employee, net economic damages shall be limited to $1 million per liability claim and $100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(i) The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business, including the transportation of clients served, as described in this subsection, in privately owned vehicles. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(j) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (e), which is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. The subcontractor of an eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles. In any tort action brought against such subcontractor or employee, net economic damages shall be limited to $1 million per liability claim and $100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(k) The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business, including the transportation of clients served, as described in this subsection, in privately owned vehicles. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(l) The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

(2)(a) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations. The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead community-based providers. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely followup of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead community-based providers are communicated to the director of the provider agency as expeditiously as possible.

(b) Persons employed by the department in the provision of foster care and related services whose positions are being *outsourced under* ~~privatized pursuant to~~ this statute shall be given hiring preference by the provider, if provider qualifications are met.

(3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision. At the point of case transfer, and at the conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the community-based agency.

(b) The contracts must also ensure that each community-based agency shall furnish information on its activities in all cases in client case records.

(c) The contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to

resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(d) Each contract with an eligible lead community-based provider shall provide for the payment by the department to the provider of a reasonable administrative cost in addition to funding for the provision of services.

(e) Each contract with an eligible lead community-based provider must include all performance outcome measures established by the Legislature and that are under the control of the lead agency. The standards must be adjusted annually by contract amendment to enable the department to meet the legislatively established statewide standards.

(4)(a) The department, in consultation with the community-based agencies that are undertaking the *outsourced* ~~privatized~~ projects, shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by the Adoption and Safe Families Act as well as by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF—the Rehabilitation Accreditation Commission. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall, to the extent possible, use independent financial audits provided by the community-based care agency to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. The department may suggest additional items to be included in such independent financial audits to meet the department's needs. Should the department determine that such independent financial audits are inadequate, then other audits, as necessary, may be conducted by the department. Nothing herein shall abrogate the requirements of s. 215.97. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

(b) The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.

(5)(a) The community-based agency must comply with statutory requirements and agency rules in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency or agencies must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.

(b) Substitute care providers who are licensed under s. 409.175 and have contracted with a lead agency authorized under this section shall also be authorized to provide registered or licensed family day care under s. 402.313, if consistent with federal law and if the home has met the requirements of s. 402.313.

(c) A dually licensed home under this section shall be eligible to receive both an out-of-home care payment and a subsidized child care payment for the same child pursuant to federal law. The department may adopt administrative rules necessary to administer this paragraph.

(6) Beginning January 1, 1999, and continuing at least through June 30, 2000, the Department of Children and Family Services shall *outsource* ~~privatize~~ all foster care and related services in district 5 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 5 *outsourcing* ~~privatization~~ shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 5 program shall be competitively selected, must demonstrate the ability to provide necessary comprehensive services through a local network of providers, and must meet criteria established in this section. Contracts with organizations responsible for the model programs must include the management and administration of all *outsourced* ~~privatized~~ services specified in subsection (1). However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.

(7) The Florida Coalition for Children, Inc., in consultation with the department, shall develop a plan based on an independent actuarial study regarding the long-term use and structure of a statewide community-based care risk pool for the protection of eligible lead community-based providers, their subcontractors, and providers of other social services who contract directly with the department. The plan must also outline strategies to maximize federal earnings as they relate to the community-based care risk pool. At a minimum, the plan must allow for the use of federal earnings received from child welfare programs to be allocated to the community-based care risk pool by the department, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act. The plan must specify the necessary steps to ensure the financial integrity and industry-standard risk management practices of the community-based care risk pool and the continued availability of funding from federal, state, and local sources. The plan must also include recommendations that permit the program to be available to entities of the department providing child welfare services until full conversion to community-based care takes place. The final plan shall be submitted to the department and then to the Executive Office of the Governor and the Legislative Budget Commission for formal adoption before January 1, 2005. Upon approval of the plan by all parties, the department shall issue an interest-free loan that is secured by the cumulative contractual revenue of the community-based care risk pool membership, and the amount of the loan shall equal the amount appropriated by the Legislature for this purpose. The plan shall provide for a governance structure that assures the department the ability to oversee the operation of the community-based care risk pool at least until this loan is repaid in full.

(a) The purposes for which the community-based care risk pool shall be used include, but are not limited to:

1. Significant changes in the number or composition of clients eligible to receive services.

2. Significant changes in the services that are eligible for reimbursement.

3. Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.

4. Proposals to participate in optional Medicaid services or other federal grant opportunities.

5. Appropriate incentive structures.

6. Continuity of care in the event of failure, discontinuance of service, or financial misconduct by a lead agency.

7. Payment for time-limited technical assistance and consultation to lead agencies in the event of serious performance or management problems.

8. Payment for meeting all traditional and nontraditional insurance needs of eligible members.

9. Significant changes in the mix of available funds.

(b) After approval of the plan in the 2004-2005 fiscal year and annually thereafter, the department may also request in its annual legislative budget request, and the Governor may recommend, that the funding necessary to carry out paragraph (a) be appropriated to the department. Subsequent funding of the community-based care risk pool shall be supported by premiums assessed to members of the community-based care risk pool on a recurring basis. The community-based care risk pool may invest and retain interest earned on these funds. In addition, the department may transfer funds to the community-based care risk pool

as available in order to ensure an adequate funding level if the fund is declared to be insolvent and approval is granted by the Legislative Budget Commission. Such payments for insolvency shall be made only after a determination is made by the department or its actuary that all participants in the community-based care risk pool are current in their payments of premiums and that assessments have been made at an actuarially sound level. Such payments by participants in the community-based care risk pool may not exceed reasonable industry standards, as determined by the actuary. Money from this fund may be used to match available federal dollars. Dividends or other payments, with the exception of legitimate claims, may not be paid to members of the community-based care risk pool until the loan issued by the department is repaid in full. Dividends or other payments, with the exception of legitimate claims and other purposes contained in the approved plan, may not be paid to members of the community-based care risk pool unless, at the time of distribution, the community-based care risk pool is deemed actuarially sound and solvent. Solvency shall be determined by an independent actuary contracted by the department. The plan shall be developed in consultation with the Office of Insurance Regulation.

1. Such funds shall constitute partial security for contract performance by lead agencies and shall be used to offset the need for a performance bond. Subject to the approval of the plan, the community-based care risk pool shall be managed by the Florida Coalition for Children, Inc., or the designated contractors of the Florida Coalition for Children, Inc. Nonmembers of the community-based care risk pool may continue to contract with the department but must provide a letter of credit equal to one-twelfth of the annual contract amount in lieu of membership in the community-based care risk pool.

2. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider.

(8) Notwithstanding the provisions of s. 215.425, all documented federal funds earned for the current fiscal year by the department and community-based agencies which exceed the amount appropriated by the Legislature shall be distributed to all entities that contributed to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. Distribution shall be pro rata based on total earnings and shall be made only to those entities that contributed to excess earnings. Excess earnings of community-based agencies shall be used only in the service district in which they were earned. Additional state funds appropriated by the Legislature for community-based agencies or made available pursuant to the budgetary amendment process described in s. 216.177 shall be transferred to the community-based agencies. The department shall amend a community-based agency's contract to permit expenditure of the funds.

(9) Each district and subdistrict that participates in the model program effort or any future *outsourcing* ~~privatization~~effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of *outsourcing* ~~privatization~~, including the cost of monitoring and evaluating the contracted services.

(10) The lead community-based providers and their subcontractors shall be exempt from state travel policies as set forth in s. 112.061(3)(a) for their travel expenses incurred in order to comply with the requirements of this section.

Section 4. *The Office of Program Policy Analysis and Government Accountability shall conduct two reviews of the contract-management and accountability structures of the Department of Children and Family Services, including, but not limited to, whether the department is adequately monitoring and managing its outsourced or privatized functions and services. The office shall report its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Auditor General by February 1 of 2006 and 2007, respectively.*

Section 5. *Notwithstanding section 287.057(14)(a), Florida Statutes, the Department of Children and Family Services may enter into agreements, not to exceed 23 years, with a private contractor to finance, design, and construct a secure facility, as described in section 394.917, Florida Statutes, of at least 600 beds and to operate all aspects of daily operations within the secure facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the secure facility. The department shall begin the implementation of this privatization initiative by July 1, 2005. This section is repealed July 1, 2006.*

Section 6. *Section 402.72, Florida Statutes, is repealed.*

Section 7. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line(s) 1,

remove: the entire title, and insert:

A bill to be entitled An act relating to the Department of Children and Family; providing definitions; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring multiyear contracts unless justification is provided; requiring that the department establish a contract management process; specifying the requirements for and components of the contract management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective action plan HB 955, under certain circumstances; requiring that the department establish contract monitoring units and a contract monitoring process; requiring written reports; requiring on site visits for contracts involving the provision of direct client services; amending s. 402.73, F.S.; authorizing the department to adopt incremental penalties by rule; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; authorizing the Department of Children and Family Services to enter into agreements with a private contractor to finance, design, and construct a secure facility; authorizing the contractor to sponsor issuance of certain financing certificates or securities; authorizing the state to enter into a lease-purchase agreement; requiring implementation by a time certain; providing for future repeal; repealing s. 402.72, F.S., relating to contract management requirements for the Department of Children and Family Services; providing an effective date.

On motion by Senator Campbell, the Senate concurred in the House amendment.

CS for CS for CS for SB 1476 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

REMARKS

On motion by Senator Miller, the following remarks were ordered spread upon the Journal:

May 5, 2005

Senator Les Miller
Minority Leader
The Florida Senate

Dear Senator Miller:

Thank you for your willingness to assist the Department of Children and Families in acquiring through competitive procurement a more secure facility for the Florida Civil Commitment Center (FCCC)—also known as the "Jimmy Ryce Facility"—that houses Florida's most dangerous sexual predators.

The purpose of this letter is to assure you and other members of the Florida Legislature that this department will specify in its procurement documents that the replacement facility and its program will meet standards for accreditation by the American Correctional Association and the Commission for Accreditation of Rehabilitation Facilities.

Upon completion of the new facility, residents of FCCC will be transferred from the current program site at the Desoto Correctional Institution so that it can be returned to the Department of Corrections.

Again, thank you for assisting DCF in enhancing the security of FCCC.

Sincerely,

Lucy D. Hadi
Secretary
Department of Children and Families

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SJR 2144, with amendment(s), by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SJR 2144—A bill to be entitled A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

House Amendment 1 (883407)—On page 3, line(s) 14-24,

remove: all of said lines

and insert:

financial outlook setting out recommended fiscal strategies for the state and its departments and agencies in order to assist the legislature in making budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and recommending the long-range

On motion by Senator Atwater, the Senate concurred in the House amendment.

CS for SJR 2144 as amended was read in full as follows:

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

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

That the following amendments to Section 19 of Article III of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III
LEGISLATURE

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

(a) ANNUAL BUDGETING.

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

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

(3) As prescribed by general law, each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range financial outlook adopted by the joint legislative budget commission or that specifically explains any variance from the long-range financial outlook contained in the request.

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

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

(c) APPROPRIATIONS ~~REVIEW~~ PROCESS.

(1) No later than September 15 of each year, the joint legislative budget commission shall issue a long-range financial outlook setting out fiscal strategies for the state and its departments and agencies in order to assist the legislature in making policy and budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and implementing the long-range financial outlook.

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

~~section, the terms department and agency shall include the judicial branch.~~

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

(e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the *120th* ~~90th~~ day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

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

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

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

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

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

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

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

(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.

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

CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 19

STATE PLANNING AND BUDGET PROCESS.—Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds estimated to be available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which

shall issue long-range financial outlooks; to provide for limited adjustments in the state budget without the concurrence of the full Legislature, as provided by general law; to reduce the number of times trust funds are automatically terminated; to require the preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—and **CS for SJR 2144** as amended passed by the required constitutional three-fifths vote of the membership and was ordered enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 2574, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1 (846159)(with title amendment)—On page 1, between line(s) 20 and 21,

insert:

Section 1. Subsection (6) of section 466.002, Florida Statutes, is amended to read:

466.002 Persons exempt from operation of chapter.—Nothing in this chapter shall apply to the following practices, acts, and operations:

(6) Instructors in Florida schools of dentistry*, instructors in dental programs that prepare persons holding D.D.S. or D.M.D. degrees for certification by a specialty board and that are accredited in the United States by January 1, 2005, in the same manner as the board recognizes accreditation for Florida schools of dentistry that are not otherwise affiliated with a Florida school of dentistry, or instructors in Florida schools of* ~~or~~ dental hygiene or dental assistant educational programs, while performing regularly assigned *instructional*duties under the curriculum of such schools. A full-time dental instructor at a dental school *or dental program* approved by the board may be allowed to practice dentistry at the teaching facilities of such school *or program*, upon receiving a teaching permit issued by the board, in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school *or program as recognized in this section*.

And the title is amended as follows:

On page 1, line(s) 2,

remove: An act relating to dentistry; amending s.

and insert:

An act relating to dentistry; amending s. 466.002, F.S.; revising an exemption from the application of ch. 466, F.S., to include certain instructors; amending s.

House Amendment 2 (925963) (with title amendment)—On page 2, between line(s) 14 and 15,

insert:

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. *In making the appointments, the chair shall consider recommendations from the Florida Dental Hygienists Association.* The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair*; however, the council must meet at least three times a year*. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, which the board shall consider, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education. *Rule and policy recommendations of the council shall be considered by the board at its next regularly scheduled meeting in the same manner in which it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry defined by this subsection shall be referred to the council for a recommendation before final action by the board. The board may take final action on rules pertaining to the specified part of dentistry defined by this subsection without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.*

And the directory language is amended as follows:

On page 1, line(s) 21 and 22,

remove: all of said lines

and insert:

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 466.004, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 1, line(s) 4,

remove: all of said line

and insert:

serve on the Board of Dentistry; revising requirements for appointment to the Council on Dental Hygiene; revising meeting times for the council; revising requirements for the council's rule and policy recommendations; amending s.

On motion by Senator Atwater, the Senate concurred in the House amendments.

SB 2574 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2610, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2610—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; correcting a reference; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; eliminating the Working Capital Fund as a fund type; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances; revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring an agency to submit an operational work plan for approval before funds or positions are released or transferred or spending authority is increased for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 288.7091,

F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

House Amendment 1 (114533)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(8) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce. The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must *advise and consult* ~~reach agreement~~ with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

Section 2. Paragraph (b) of subsection (5) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(5) SERVICE DISTRICTS.—

(b)~~1.~~ The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and shall perform such duties as assigned by the secretary. ~~Subject to the approval of the secretary, such duties shall include transferring up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.~~

~~2. For the 2003-2004 fiscal year only, the transfer authority provided in this subsection must be specifically appropriated in the 2003-2004 General Appropriations Act and shall be pursuant to the requirements of s. 216.292. This subparagraph expires July 1, 2004.~~

~~3. For the 2004-2005 fiscal year only, the transfer authority provided in this subsection is available to the department without further restriction other than as contained in this subsection. This subparagraph expires July 1, 2005.~~

Section 3. Paragraph (d) of subsection (4) of section 20.316, Florida Statutes, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(4) INFORMATION SYSTEMS.—

(d) The management information system shall, at a minimum:

1. Facilitate case management of juveniles referred to or placed in the department's custody.

2. Provide timely access to current data and computing capacity to support outcome evaluation, legislative oversight, ~~the Juvenile Justice Estimating Conference,~~ and other research.

3. Provide automated support to the quality assurance and program review functions.

4. Provide automated support to the contract management process.

5. Provide automated support to the facility operations management process.

6. Provide automated administrative support to increase efficiency, provide the capability of tracking expenditures of funds by the department or contracted service providers that are eligible for federal reimbursement, and reduce forms and paperwork.

7. Facilitate connectivity, access, and utilization of information among various state agencies, and other state, federal, local, and private agencies, organizations, and institutions.

8. Provide electronic public access to juvenile justice information, which is not otherwise made confidential by law or exempt from the provisions of s. 119.07(1).

9. Provide a system for the training of information system users and user groups.

Section 4. Effective July 1, 2006, section 45.062, Florida Statutes, is amended to read:

45.062 Settlements, conditions, or orders when an agency of the executive branch is a party.—

(1) In any civil action in which a state executive branch agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith, if the settlement, condition, or order requires the expenditure of or the obligation to expend any state funds or other state resources *exceeding $1 million, the refund or future loss of state revenues exceeding $10 million*, or the establishment of any new program, unless:

(a) The expenditure is provided for by an existing appropriation or program established by law.~~; and~~

(b) At the time settlement negotiations have begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General.

(c)~~(b)~~ Prior written notification is given *at least* ~~within~~5 business days *, or as soon thereafter as practicable, before* ~~of~~the date the settlement or presettlement agreement or order is to be made final to the President of the Senate, the Speaker of the House of Representatives, the Senate and House *of Representatives* minority leaders, *the chairs of the appropriations committees of the Legislature,* and the Attorney General. Such notification shall specify how the agency involved will address the costs in future years within the limits of current appropriations.

1. The Division of Risk Management need not give the notification required by this paragraph when settling any claim covered by the state self-insurance program for an amount less than $250,000.

2. The notification specified in this paragraph is not required if:

a. The only settlement obligation of the state resulting from the claim is to pay court costs in an amount less than $10,000;

b. Notification would preclude the state's participation in multistate litigation;

c. Notification is precluded by federal law or regulation;
d. Notification is precluded by court rule or sanction;

e. The head of the primary state agency involved in the litigation certifies to the President of the Senate and the Speaker of the House of Representatives, in writing within 5 days after the settlement, the specific reasons prior notification could not be provided;

f. Settlement or presettlement negotiations are being conducted with fewer than all of the opposing parties; or

g. The President of the Senate and the Speaker of the House of Representatives or the chairs of the appropriations committees of the Legislature, acting in the best interest of the state, waive notification.

(2) The state executive branch agency or officer shall negotiate a closure date as soon as possible for the civil action.

(3) The state executive branch agency or officer may not pledge any current or future action of another branch of state government as a condition for settling the civil action.

(4) Any settlement that commits the state to spending in excess of current appropriations or to policy changes inconsistent with current state law shall be contingent upon and subject to legislative appropriation or statutory amendment. The state agency or officer may agree to use all efforts to procure legislative funding or statutory amendment.

(5) When a state agency or officer settles an action or legal claim in which the state asserted a right to recover money, all moneys paid to the state by a party in full or partial exchange for a release of the state's claim shall be placed into the General Revenue Fund or the appropriate trust fund.

(6)~~(5)~~ State executive branch agencies and officers shall report to each substantive and fiscal committee of the Legislature having jurisdiction over the reporting agency on all potential settlements that may commit the state to:

(a) Spend in excess of current appropriations; or

(b) Make policy changes inconsistent with current state law.

The state executive branch agency or officer shall provide periodic updates to the appropriate legislative committees on these issues during the settlement process.

Section 5. Subsection (1) of section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—It is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136*(9)*~~(11)~~, but not later than December 1 and April 1 of each fiscal year.

Section 6. Paragraph (b) of subsection (1) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Savings sharing program; bonus payments; other awards.—

(1)

(b) Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative *Budget* ~~Budgeting~~ Commission.

Section 7. Section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(1) All moneys received by the state shall be deposited in the State Treasury unless specifically provided otherwise by law and shall be deposited in and accounted for by the Chief Financial Officer within the following funds, which funds are hereby created and established:

(a) General Revenue Fund.

(b) Trust funds.

~~(c) Working Capital Fund.~~

(c)~~(d)~~ Budget Stabilization Fund.

(2) The source and use of each of these funds shall be as follows:

(a) The General Revenue Fund shall consist of all moneys received by the state from every source whatsoever, except as provided in paragraphs (b) and (c). Such moneys shall be expended pursuant to General Revenue Fund appropriations acts,~~or~~ transferred as provided in paragraph (c)*, or maintained as unallocated general revenue. Unallocated general revenue shall be considered the working capital balance of the state and shall consist of moneys in the General Revenue Fund that are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year*. ~~Annually, at least 5 percent of the estimated increase in General Revenue Fund receipts for the upcoming fiscal year over the current year General Revenue Fund effective appropriations shall be appropriated for state-level capital outlay, including infrastructure improvement and general renovation, maintenance, and repairs.~~

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this

subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and *General Revenue* ~~Working Capital~~ Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the *State Board of Education* ~~Board of Regents~~, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

(c)1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Chief Financial Officer to transfer, and the Chief Financial Officer shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the *third* fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund ~~and the Working Capital Fund~~ may be used as *a* revolving *fund* ~~funds~~ for transfers as provided in s. *215.18* ~~17.61~~; however, any interest earned must be deposited in the General Revenue Fund.

5. The Chief Financial Officer and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for all benefits due under s. 373.6065, as long as funds remain available for the program described under s. *110.152* ~~100.152~~.

~~(d) The Working Capital Fund shall consist of moneys in the General Revenue Fund which are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year. Each year, no later than the publishing date of the annual financial statements for the state by the Chief Financial Officer under s. 216.102, funds shall be transferred between the Working Capital Fund and the General Revenue Fund to establish the balance of the Working Capital Fund for that fiscal year at the amount determined pursuant to this paragraph.~~

Section 8. Paragraphs (a) and (f) of subsection (5) of section 215.5601, Florida Statutes, are amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(a) Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Financial Services Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.

1. Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called the James and Esther King Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs *from endowment earnings* for health and human services programs ~~shall be from a category called the Lawton Chiles Endowment Fund Programs and~~ shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

~~(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.~~

Section 9. Subsection (3) of section 215.93, Florida Statutes, is amended to read:

215.93 Florida Financial Management Information System.—

(3) The Florida Financial Management Information System shall include financial management data and utilize the chart of accounts approved by the Chief Financial Officer. Common financial management data shall include, but not be limited to, data codes, titles, and definitions used by one or more of the functional owner subsystems. The Florida Financial Management Information System shall utilize common financial management data codes. The council shall recommend and the board shall adopt policies regarding the approval and publication of the financial management data. The Chief Financial Officer shall adopt policies regarding the approval and publication of the chart of accounts. The Chief Financial Officer's chart of accounts shall be consistent with the common financial management data codes established by the coordinating council. Further, all systems not a part of the Florida Financial Management Information System which provide information to the system shall use the common data codes from the Florida Financial Management Information System and the Chief Financial Officer's chart of accounts. Data codes that cannot be supplied by the Florida Financial Management Information System and the Chief Financial Officer's chart of accounts and that are required for use by the information subsystems shall be approved by the board upon recommendation of the coordinating council. ~~However, board approval shall not be required for those data codes specified by the Auditor General under the provisions of s. 215.94(6)(c).~~

Section 10. Subsection (6) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(6)(a) *Consistent with the provisions of s. 215.86, the respective functional owner of each information subsystem shall be responsible for en-*

suring ~~The Auditor General shall be advised by the functional owner of each information subsystem as to the date that the development or significant modification of its functional system specifications is to begin.~~

~~(b) Upon such notification, the Auditor General shall participate with each functional owner to the extent necessary to provide assurance~~ that:

1. The accounting information produced by the information subsystem adheres to generally accepted accounting principles.

2. The information subsystem contains the necessary controls to maintain its integrity, within acceptable limits and at an acceptable cost.

3. The information subsystem is auditable.

(b)~~(c)~~ The Auditor General shall *be advised by the functional owner of each information subsystem as to the date that the development or significant modification of its functional system specifications is to begin. The Auditor General shall provide technical advice, as allowed by professional auditing standards, on specific issues relating to the design, implementation, and operation of each information subsystem* ~~specify those additional features, characteristics, controls, and internal control measures deemed necessary to carry out the provisions of this subsection. Further, it shall be the responsibility of each functional owner to ensure installation and incorporation of such specified features, characteristics, controls, and internal control measures within each information subsystem~~.

Section 11. Section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(1) The purposes of the section are to:

(a) Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

(b) Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities.

(c) Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities.

(d) Provide for identification of state financial assistance transactions in the appropriations act, state accounting records, and recipient organization records.

(e) Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance.

(f) Ensure, to the maximum extent possible, that state agencies monitor, use, and followup on audits of state financial assistance provided to nonstate entities.

(2) Definitions; as used in this section, the term:

(a) "Audit threshold" means the *threshold* amount *used to determine* ~~to use in determining~~ when a state single audit *or project-specific audit* of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of *$500,000* ~~$300,000~~ in any fiscal year of such nonstate entity shall be required to have a state single audit*, or a project-specific audit,* for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the *Department of Financial Services* ~~Chief Financial Officer~~, and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~, shall review the *threshold* amount for requiring audits under this section and may adjust such *threshold* ~~dollar~~ amount consistent with the *purposes*~~purpose~~ of this section.

(b) "Auditing standards" means the auditing standards as stated in the rules of the Auditor General as applicable to for-profit organizations, nonprofit organizations, or local governmental entities.

(c) "Catalog of State Financial Assistance" means a comprehensive listing of state projects. The Catalog of State Financial Assistance shall be issued by the *Department of Financial Services* ~~Executive Office of the Governor~~ after conferring with the *Executive Office of the Governor* ~~Chief Financial Officer~~ and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~. The Catalog of State Financial Assistance shall include for each listed state project: the responsible state *awarding* agency; standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary.

(d) "Coordinating agency" means the state awarding agency that provides the predominant amount of state financial assistance expended by a recipient, as determined by the recipient's Schedule of Expenditures of State Financial Assistance. To provide continuity, the determination of the predominant amount of state financial assistance shall be based upon state financial assistance expended in the recipient's fiscal years ending in 2006, 2009, and 2012, and every third year thereafter.

(e)~~(d)~~ "Financial reporting package" means the nonstate entities' financial statements, Schedule of *Expenditures of*State Financial Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on followup of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of this section.

(f)~~(e)~~ "Federal financial assistance" means financial assistance from federal sources passed through the state and provided to nonstate *organizations* ~~entities~~ to carry out a federal program. "Federal financial assistance" includes all types of federal assistance as defined in applicable United States Office of Management and Budget circulars.

(g)~~(f)~~ "For-profit organization" means any organization or sole proprietor *that* ~~but~~ is not a ~~local~~ governmental entity or a nonprofit organization.

(h)~~(g)~~ "Independent auditor" means an *independent* ~~external state or local government auditor or a~~ certified public accountant *licensed under chapter 473* ~~who meets the independence standards~~.

(i)~~(h)~~ "Internal control over state projects" means a process, effected by *a nonstate* ~~an~~ entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations.

2. Reliability of financial operations.

3. Compliance with applicable laws and regulations.

(j)~~(i)~~ "Local governmental entity" means a county *as a whole* ~~agency~~, municipality, or special district or any other entity *excluding* ~~(other than~~ a district school board*, charter school,* ~~or~~ community college~~)~~*, or public university,* however styled, which independently exercises any type of governmental function *within the state*.

(k)~~(j)~~ "Major state project" means any state project meeting the criteria as stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~. Such criteria shall be established after consultation with *all* ~~the Chief Financial Officer and appropriate~~ state *awarding* agencies ~~that provide state financial assistance~~ and shall consider the amount of state project expenditures *and* ~~or~~ expenses or inherent risks. Each major state project shall be audited in accordance with the requirements of this section.

(l)~~(k)~~ "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that:

1. Is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest.~~;~~

2. Is not organized primarily for profit.~~;~~

3. Uses net proceeds to maintain, improve, or expand the operations of the organization.~~; and~~

4. Has no part of its income or profit distributable to its members, directors, or officers.

(m)~~(l)~~ "Nonstate entity" means a local governmental entity, nonprofit organization, or for-profit organization that receives state *financial assistance* ~~resources~~.

(n)~~(m)~~ "Recipient" means a nonstate entity that receives state financial assistance directly from a state awarding agency.

(o)~~(n)~~ "Schedule of *Expenditures of* State Financial Assistance" means a document prepared in accordance with the rules of the *Department of Financial Services* ~~Chief Financial Officer~~ and included in each financial reporting package required by this section.

(p)~~(o)~~ "State awarding agency" means *a* ~~the~~ state agency*, as defined in s. 216.011,* that *is primarily responsible for the operations and outcomes of a state project, regardless of the state agency that actually provides* ~~provided~~ state financial assistance to *a* ~~the~~ nonstate entity.

(q)~~(p)~~ "State financial assistance" means ~~financial assistance from~~ state resources, not including federal financial assistance and state matching *on federal programs*, provided to *a*nonstate *entity* ~~entities~~ to carry out a state project. "State financial assistance" includes *the* ~~all~~ types of state *resources*~~assistance as~~ stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~ established in consultation with *all* ~~the Chief Financial Officer and appropriate~~ state *awarding* agencies ~~that provide state financial assistance~~. ~~It includes~~ State financial assistance *may be*provided directly by state awarding agencies or indirectly by *nonstate entities* ~~recipients of state awards or subrecipients~~. *"State financial assistance"* ~~It~~ does not include procurement contracts used to buy goods or services from vendors *and*~~. Audits of such procurement contracts with vendors are outside of the scope of this section. Also, audits of~~ contracts to operate *state-owned* ~~state-government-owned~~ and contractor-operated facilities ~~are excluded from the audit requirements of this section~~.

(r)~~(q)~~ "State matching" means state resources provided to *a* nonstate *entity* ~~entities to be used~~ to meet federal financial participation matching requirements ~~of federal programs~~.

(s) "State program" means a set of special-purpose activities undertaken to realize identifiable goals and objectives in order to achieve a state agency's mission and legislative intent requiring accountability for state resources.

(t)~~(r)~~ "State project" means *a state program that provides*~~all~~ state financial assistance to a nonstate *organization and that must be* ~~entity~~ assigned a ~~single~~ state project number identifier in the Catalog of State Financial Assistance.

(u)~~(s)~~ "State Projects Compliance Supplement" means a document issued by the *Department of Financial Services*~~Executive Office of the Governor~~, in consultation with ~~the Chief Financial Officer and~~ all state *awarding* agencies ~~that provide state financial assistance~~. The State Projects Compliance Supplement shall identify state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(v)~~(t)~~ "State project-specific audit" means an audit of one state project performed in accordance with the requirements of subsection *(10)*~~(9)~~.

(w)~~(u)~~ "State single audit" means an audit of a nonstate entity's financial statements and state financial assistance. Such audits shall be conducted in accordance with the auditing standards as stated in the rules of the Auditor General.

(x)~~(v)~~ "Subrecipient" means a nonstate entity that receives state financial assistance through another nonstate entity.

(y)~~(w)~~ "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. These goods or services may be for an organization's own use or for the use of beneficiaries of the state project.

(3) The Executive Office of the Governor *is responsible for notifying the Department of Financial Services of any actions during the budgetary process that impact the Catalog of State Financial Assistance.* ~~shall:~~

~~(a) Upon conferring with the Chief Financial Officer and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the requirements of this section, including:~~

~~1. The types or classes of financial assistance considered to be state financial assistance which would be subject to the requirements of this section. This would include guidance to assist in identifying when the state agency or recipient has contracted with a vendor rather than with a recipient or subrecipient.~~

~~2. The criteria for identifying a major state project.~~

~~3. The criteria for selecting state projects for audits based on inherent risk.~~

~~(b) Be responsible for coordinating the initial preparation and subsequent revisions of the Catalog of State Financial Assistance after consultation with the Chief Financial Officer and all state awarding agencies.~~

~~(c) Be responsible for coordinating the initial preparation and subsequent revisions of the State Projects Compliance Supplement, after consultation with the Chief Financial Officer and all state awarding agencies.~~

(4) The *Department of Financial Services* ~~Chief Financial Officer~~ shall:

(a) Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance relating to the requirements of this section, including:

1. The types or classes of state resources considered to be state financial assistance that would be subject to the requirements of this section. This would include guidance to assist in identifying when the state awarding agency or a nonstate entity has contracted with a vendor rather than with a recipient or subrecipient.

2. The criteria for identifying a major state project.

3. The criteria for selecting state projects for audits based on inherent risk.

(b) Be responsible for coordinating revisions to the Catalog of State Financial Assistance after consultation with the Executive Office of the Governor and all state awarding agencies.

(c) Be responsible for coordinating with the Executive Office of the Governor actions affecting the budgetary process under paragraph (b).

(d) Be responsible for coordinating revisions to the State Projects Compliance Supplement, after consultation with the Executive Office of the Governor and all state awarding agencies.

(e)~~(a)~~ Make enhancements to the state's accounting system to provide for the:

1. Recording of state financial assistance and federal financial assistance appropriations and expenditures within the state awarding agencies' operating funds.

2. Recording of state project number identifiers, as provided in the Catalog of State Financial Assistance, for state financial assistance.

3. Establishment and recording of an identification code for each financial transaction, including *awarding* state agencies' disbursements of state financial assistance and federal financial assistance, as to the corresponding type or organization that is party to the transaction (e.g., other governmental agencies, nonprofit organizations, and for-profit organizations), and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a *nonstate entity* ~~recipient or subrecipient~~.

(f)~~(b)~~ Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, *nonstate entities* ~~recipients and subrecipients~~, and independent auditors of state financial assistance

relating to the format for the Schedule of *Expenditures of* State Financial Assistance.

(g)~~(e)~~ Perform any inspections, reviews, investigations, or audits of state financial assistance considered necessary in carrying out the *Department of Financial Services'* ~~Chief Financial Officer's~~ legal responsibilities for state financial assistance or to comply with the requirements of this section.

(5) Each state awarding agency shall:

(a) Provide to *each* ~~a~~ recipient information needed by the recipient to comply with the requirements of this section, including:

1. The audit and accountability requirements for state projects as stated in this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General.

2. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project including objectives, restrictions, and other relevant information determined necessary.

3. Information from the State Projects Compliance Supplement, including the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(b) Require the recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, and the Auditor General access to the recipient's records and the recipient's independent auditor's working papers as necessary for complying with the requirements of this section.

(c) Notify the recipient that this section does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state *awarding* agency inspector general, the Auditor General, or any other state official.

(d) Be provided one copy of each financial reporting package prepared in accordance with the requirement of this section.

(e) Review the *recipient's* ~~recipient~~ financial reporting package, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance *that are specific to* ~~provided by~~ the state *awarding*agency.

(f) Designate within the state awarding agency an organizational unit that will be responsible for reviewing financial reporting packages pursuant to paragraph (e).

If the state awarding agency is not the coordinating agency as defined in paragraph (2)(d), the state awarding agency's designated organizational unit shall communicate to the coordinating agency the state awarding agency's approval of the recipient's corrective action plan with respect to findings and recommendations that are not specific to the state awarding agency.

(6) Each coordinating agency shall:

(a) Review the recipient's financial reporting package, including the management letter and corrective action plan, to identify audit findings and recommendations that affect state financial assistance that are not specific to a particular state awarding agency.

(b) For any findings and recommendations identified pursuant to paragraph (a):

1. Determine whether timely and appropriate corrective action has been taken.

2. Promptly inform the state awarding agency, as provided in paragraph (5)(f), of actions taken by the recipient to comply with the approved corrective action plan.

(c) Maintain records of followup actions taken for the use of any succeeding coordinating agency.

(7)~~(6)~~ As a condition of receiving state financial assistance, each *nonstate entity* ~~recipient~~ that provides state financial assistance to a subrecipient shall:

(a) Provide to *each* ~~a~~ subrecipient information needed by the subrecipient to comply with the requirements of this section, including:

1. Identification of the state awarding agency.

2. The audit and accountability requirements for state projects as stated in this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General.

3. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.

4. Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.

(b) Review the *financial reporting package of the*subrecipient ~~audit reports~~, including the management *letter and corrective action plan* ~~letters~~, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance provided by *a* ~~the~~ state *awarding* agency *or nonstate entity* .

(c) Perform *any* ~~such~~ other procedures ~~as~~ specified in terms and conditions of the written agreement with the state awarding agency *or nonstate entity,* including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.

(d) Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of the *nonstate entity* ~~recipient~~, the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, and the Auditor General access to the subrecipient's records and the subrecipient's independent auditor's working papers as necessary to comply with the requirements of this section.

(8)~~(7)~~ Each recipient or subrecipient of state financial assistance shall comply with the following:

(a) Each nonstate entity that ~~receives state financial assistance and~~ meets *the* audit threshold requirements, in any fiscal year of the nonstate entity, ~~as~~ stated in the rules of the Auditor General, shall have a state single audit conducted for such fiscal year in accordance with the requirements of this act and with additional requirements established in ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General. If only one state project is involved in a nonstate entity's fiscal year, the nonstate entity may elect to have only a state project-specific audit ~~of the state project for that fiscal year~~.

(b) Each nonstate entity that ~~receives state financial assistance and~~ does not meet the *audit* threshold requirements, in any fiscal year of the nonstate entity, ~~as~~ stated in this law or the rules of the Auditor General is exempt for such fiscal year from the state single audit requirements of this section. However, such nonstate entity must meet terms and conditions specified in the written agreement with the state awarding agency *or nonstate entity*.

(c) If a nonstate entity has extremely limited or no required activities related to the administration of a state project, and only acts as a conduit of state financial assistance, none of the requirements of this section apply to the conduit nonstate entity. However, the nonstate entity that is provided state financial assistance by the conduit nonstate entity is subject to the requirements of this section.

(d)~~(c)~~ Regardless of the amount of the state financial assistance, ~~the provisions of~~ this section *does* ~~do~~ not exempt a nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such nonstate entity or allowing access and examination of those records by the state awarding agency,

the nonstate entity, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General.

(e)~~(d)~~ Audits conducted pursuant to this section shall be performed annually.

(f)~~(e)~~ Audits conducted pursuant to this section shall be conducted by independent auditors in accordance with auditing standards ~~as~~ stated in rules of the Auditor General.

(g)~~(f)~~ Upon completion of the audit ~~as~~ required by this section, a copy of the recipient's financial reporting package shall be filed with the state awarding agency and the Auditor General. Upon completion of the audit ~~as~~ required by this section, a copy of the subrecipient's financial reporting package shall be filed with the *nonstate entity* ~~recipient~~ that provided the state financial assistance *and the Auditor General*. The financial reporting package shall be filed in accordance with the rules of the Auditor General.

(h)~~(g)~~ All financial reporting packages prepared pursuant to ~~the requirements of~~ this section shall be available for public inspection.

(i)~~(h)~~ If an audit conducted pursuant to this section discloses any significant audit findings relating to state financial assistance, including material noncompliance with individual state project compliance requirements or reportable conditions in internal controls of the nonstate entity, the nonstate entity shall submit as part of the *financial reporting*~~audit~~ package to the state awarding agency *or nonstate entity* a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary.

(j)~~(i)~~ An audit conducted in accordance with this section is in addition to any audit of federal awards required by the federal Single Audit Act and other federal laws and regulations. To the extent that such federally required audits provide the state awarding agency *or nonstate entity* with information it requires to carry out its responsibilities under state law or other guidance, *the* ~~a~~ state *awarding* agency *or nonstate entity*shall rely upon and use that information.

(k)~~(j)~~ Unless prohibited by law, the *costs* ~~cost~~ of audits pursuant to this section *are* ~~is~~ allowable charges to state projects. However, any charges to state projects should be limited to those incremental costs incurred as a result of the audit requirements of this section in relation to other audit requirements. The nonstate entity should allocate such incremental costs to all state projects for which it expended state financial assistance.

(l)~~(k)~~ Audit costs may not be charged to state projects when audits required by this section have not been made or have been made but not in accordance with this section. If a nonstate entity fails to have an audit conducted consistent with this section, *a* state awarding *agency or nonstate entity* ~~agencies~~ may take appropriate corrective action to enforce compliance.

(m)~~(l)~~ This section does not prohibit the state awarding agency *or nonstate entity* from including terms and conditions in the written agreement which require additional assurances that state financial assistance meets the applicable requirements of laws, regulations, and other compliance rules.

(n)~~(m)~~ A state awarding agency *or nonstate entity* that ~~provides state financial assistance to nonstate entities and~~conducts or arranges for audits of state financial assistance that are in addition to the audits conducted under this act*, including audits of nonstate entities that do not meet the audit threshold requirements,* shall, consistent with other applicable law, arrange for funding the full cost of such additional audits.

(9)~~(8)~~ The independent auditor when conducting a state single audit of *a nonstate entity* ~~recipients or subrecipients~~shall:

(a) Determine whether the nonstate entity's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles.

(b) Determine whether state financial assistance shown on the Schedule of *Expenditures of* State Financial Assistance is presented fairly in all material respects in relation to the nonstate entity's financial statements taken as a whole.

(c) With respect to internal controls pertaining to each major state project:

1. Obtain an understanding of internal controls.~~;~~

2. Assess control risk.~~;~~

3. Perform tests of controls unless the controls are deemed to be ineffective.~~; and~~

4. Determine whether the nonstate entity has internal controls in place to provide reasonable assurance of compliance with the provisions of laws and rules pertaining to state financial assistance that have a material effect on each major state project.

(d) Determine whether each major state project complied with the provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which have a material effect on each major state project. When major state projects are less than 50 percent of the nonstate entity's total expenditures for all state financial assistance, the auditor shall select and test additional state projects as major state projects as necessary to achieve audit coverage of at least 50 percent of the expenditures for all state financial assistance provided to the nonstate entity. Additional state projects needed to meet the 50-percent requirement may be selected on an inherent risk basis as stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~.

(e) Report on the results of any audit conducted pursuant to this section in accordance with the ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General. *Financial reporting packages shall* ~~Audit reports shall~~include summaries of the auditor's results regarding the nonstate entity's financial statements; Schedule of *Expenditures of* State Financial Assistance; internal controls; and compliance with laws, rules, and guidelines.

(f) Issue a management letter as prescribed in the rules of the Auditor General.

(g) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to ~~the requirements of~~ this section to the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General for review or copying.

(10)~~(9)~~ The independent auditor, when conducting a state project-specific audit of *a nonstate entity* ~~recipients or subrecipients~~, shall:

(a) Determine whether the nonstate entity's schedule of *Expenditure of* State Financial Assistance is presented fairly in all material respects in conformity with stated accounting policies.

(b) Obtain an understanding of internal *controls* ~~control~~and perform tests of internal *controls* ~~control~~ over the state project consistent with the requirements of a major state project.

(c) Determine whether or not the auditee has complied with applicable provisions of laws, rules, and guidelines ~~as~~identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which could have a direct and material effect on the state project.

(d) Report on the results of *the* ~~a~~ state project-specific audit consistent with the requirements of the state single audit and issue a management letter as prescribed in the rules of the Auditor General.

(e) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to ~~the requirements of~~ this section to the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General for review or copying.

(11)~~(10)~~ The Auditor General shall:

(a) Have the authority to audit state financial assistance provided to any nonstate entity when determined necessary by the Auditor General or when directed by the Legislative Auditing Committee.

(b) Adopt rules that state the auditing standards that independent auditors are to follow for audits of nonstate entities required by this section.

(c) Adopt rules that describe the contents and the filing deadlines for the financial reporting package.

(d) Provide technical advice upon request of the *Department of Financial Services* ~~Chief Financial Officer, Executive Office of the Governor,~~ and state *awarding* agencies relating to financial reporting and audit responsibilities contained in this section.

(e) Be provided one copy of each financial reporting package prepared in accordance with ~~the requirements of~~ this section.

(f) Perform ongoing reviews of a sample of financial reporting packages filed pursuant to ~~the requirements of~~ this section to determine compliance with the reporting requirements of this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services*~~Chief Financial Officer,~~ and rules of the Auditor General.

Section 12. Paragraphs (a), (b), (gg), (hh), and (jj) of subsection (1) of section 216.011, Florida Statutes, are amended, paragraphs (rr) and (ss) are added to said subsection, and paragraph (c) is added to subsection (3) of said section, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) "Annual salary rate" means the monetary compensation authorized to be paid a position on an annualized basis. The term does not include moneys authorized for benefits associated with the position. ~~In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.~~

(b) "Appropriation" means a legal authorization to make expenditures for specific purposes within the amounts authorized *by law* ~~in the appropriations act~~.

(gg) *"Mandatory reserve" means the reduction of an appropriation by the Governor or the Legislative Budget Commission due to an anticipated deficit in a fund, pursuant to s. 216.221. Action may not be taken to restore a mandatory reserve either directly or indirectly.* ~~"Performance-based program appropriation" means the appropriation category used to fund a specific set of activities or classification of expenditure within an approved performance-based program.~~

(hh) *"Budget reserve" means the withholding, as authorized by the Legislature, of an appropriation, or portion thereof. The need for a budget reserve may exist until certain conditions set by the Legislature are met by the affected agency, or such need may exist due to financial or program changes that have occurred since, and were unforeseen at the time of, passage of the General Appropriations Act.* ~~"Performance-based program budget" means a budget that incorporates approved programs and performance measures.~~

(jj) "Program" means a set of *services and* activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(rr) "Activity" means a unit of work that has identifiable starting and ending points, consumes resources, and produces outputs.

(ss) "Qualified expenditure category" means the appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission.

(3) For purposes of this chapter, the term:

(c) "Statutorily authorized entity" means any entity primarily acting as an instrumentality of the state, any regulatory or governing body, or any other governmental or quasi-governmental organization that receives, disburses, expends, administers, awards, recommends expenditure of, handles, manages, or has custody or control of funds appropriated by the Legislature and:

1. Is created, organized, or specifically authorized to be created or established by general law; or

2. Assists a department, as defined in s. 20.03(2), or other unit of state government in providing programs or services on a statewide basis with a statewide service area or population.

Section 13. Effective July 1, 2006, paragraph (n) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(n) "Expense" means the appropriation category used to fund the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including such items as ~~contractual services,~~ commodities, ~~and~~ supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies may be included in this category.

Section 14. Section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.—

~~(1)~~ State agencies *and the judicial branch* shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. *The plans shall be policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs.* ~~The plan shall cover a period of 5 fiscal years and shall become effective July 1 each year.~~

(1) Long-range program plans shall provide the framework for the development of ~~agency~~ budget requests and shall *identify or update*:

(a) The mission of the agency or judicial branch.

(b) The goals established to accomplish the mission.

(c) The objectives developed to achieve state goals.

(d) The trends and conditions relevant to the mission, goals, and objectives.

(e)~~(a)~~ ~~Identify agency programs and address how agency~~ *The agency or judicial branch* programs *that* will be used to implement state policy and achieve state goals and ~~program component~~ objectives.~~;~~

(f) The program outcomes and standards to measure progress toward program objectives.

~~(b) Identify and describe agency functions and how they will be used to achieve designated outcomes;~~

~~(c) Identify demand, output, total costs, and unit costs for each function;~~

(g)~~(d)~~ ~~Provide~~ Information regarding performance measurement, which includes, but is not limited to, how data is collected, the methodology used to measure a performance indicator, the validity and reliability of a measure, the appropriateness of a measure, and whether *, in the case of agencies,* the agency inspector general has assessed the reliability and validity of agency performance measures, pursuant to s. 20.055(2).~~;~~

~~(e) Identify and justify facility and fixed capital outlay projects and their associated costs; and~~

~~(f) Identify and justify information technology infrastructure and applications and their associated costs for information technology projects or initiatives.~~

~~(2) All agency functions and their costs shall be carefully evaluated and justified by the agency. The justification must clearly demonstrate~~

~~the needs of agency customers and clients and why the agency is proposing functions and their associated costs to address the needs based on state priorities, the agency mission, and legislative authorization. Further, the justification must show how agency functions are integrated and contribute to the overall achievement of state goals. Facilities, fixed capital outlay and information technology infrastructure, and applications shall be evaluated pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

(2) Each long-range program plan shall cover a period of 5 fiscal years, be revised annually, and remain in effect until replaced or revised.

(3) Long-range program plans *or revisions* shall be *presented by state agencies and the judicial branch in a form, manner, and timeframe prescribed in written instructions prepared by* ~~submitted to~~ the Executive Office of the Governor *in consultation with* ~~by August 1 of each year in a form and manner prescribed by the Executive Office of the Governor and~~ the chairs of the legislative appropriations committees. ~~Such long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.~~

~~(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request.~~

~~(5) Executive agencies shall incorporate all revisions required by the Governor within 14 working days.~~

~~(6) Any differences between executive agencies regarding the programs, policies, or long-range program plans of such agencies shall be mediated by the Executive Office of the Governor.~~

(4)~~(7)~~ Each *state* executive agency *and the judicial branch* shall *post their long-range program plan on their Internet website* ~~transmit copies of its long-range program plan and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives~~ not later than *September 30th of each year, and provide written notice to the Governor and the Legislature that the plans have been posted* ~~60 days prior to the next regular session of the Legislature~~.

~~(8) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.~~

(5)~~(9)~~ *Following the adoption of the annual General Appropriations Act, the state* agencies and the judicial branch shall make appropriate adjustments to their long-range program plans to be consistent with the appropriations and performance measures in the General Appropriations Act and legislation implementing the General Appropriations Act. Agencies and the judicial branch have until June *30* ~~15~~ to make adjustments to their plans *as posted on their Internet websites* ~~and submit the adjusted plans to the Executive Office of the Governor for review~~.

(6) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.

Section 15. Section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(1) The head of each state agency, except as provided in subsection (2), shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, *a* ~~no~~ state agency *may not* ~~shall~~submit its complete legislative budget request, including all supporting forms and schedules required by this chapter, later than *October* ~~September~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*.

(2) The judicial branch and the Division of Administrative Hearings shall submit their complete legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the complete legislative budget requests, including all supporting forms and schedules required by this chapter, shall be submitted no later than *October* ~~September~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*.

(3) The Executive Office of the Governor and the appropriations committees of the Legislature shall jointly develop legislative budget instructions for preparing the exhibits and schedules that make up the agency budget from which each agency and the judicial branch shall prepare their budget request. The budget instructions shall be consistent with s. 216.141 and shall be transmitted to each agency and to the judicial branch no later than *July* ~~June~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*. In the event that agreement cannot be reached between the Executive Office of the Governor and the appropriations committees of the Legislature regarding legislative budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4)(a) The legislative budget request must contain for each program:

1. The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Legislatively approved output and outcome performance measures and any proposed revisions to measures.

8. Proposed performance standards for each performance measure and justification for the standards and the sources of data to be used for measurement.

9. Prior-year performance data on approved performance measures and an explanation of deviation from expected performance. Performance data must be assessed for reliability in accordance with s. 20.055.

10. Proposed performance incentives and disincentives.

11. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions.

12. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding $10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

(b) It is the intent of the Legislature that total accountability measures, including unit-cost data, serve not only as a budgeting tool but also as a policymaking tool and an accountability tool. Therefore, each state agency and the judicial branch must submit a one-page summary of information for the preceding year in accordance with the legislative budget instructions. Each one-page summary must contain:

1. The final budget for the agency and the judicial branch.

2. Total funds from the General Appropriations Act.

3. Adjustments to the General Appropriations Act.

4. The line-item listings of all activities.

5. The number of activity units performed or accomplished.

6. Total expenditures for each activity, including amounts paid to contractors and subordinate entities. Expenditures related to administrative activities not aligned with output measures must consistently be allocated to activities with output measures prior to computing unit costs.

7. The cost per unit for each activity, including the costs allocated to contractors and subordinate entities.

8. The total amount of reversions and pass-through expenditures omitted from unit-cost calculations.

At the regular session immediately following the submission of the agency unit cost summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required under this paragraph.

~~(5) At the time specified in the legislative budget instructions and in sufficient time to be included in the Governor's recommended budget, the judicial branch is required to submit a performance-based program budget request. The Chief Justice of the Supreme Court shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability, submit to the President of the Senate and the Speaker of the House of Representatives a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under subsection (4). The judicial branch shall submit a performance-based program agency budget request using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act. By September 15, 2001, the Chief Justice of the Supreme Court shall submit to the President of the Senate and the Speaker of the House of Representatives a performance-based program budget request for programs of the judicial branch approved by the Legislature and provide a copy to the Executive Office of the Governor.~~

(5)~~(6)~~ Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.

(6)~~(7)~~ Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The *Senate and the House of Representatives appropriations committees* ~~Senate Committee on Fiscal Policy and the House of Representatives Fiscal Responsibility Council~~ shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain ~~both~~ the official record of adjustments to the performance standards ~~as part of the agency's approved operating budget and the official performance ledger~~. As used in this section, *the term "official record"* ~~"performance ledger"~~ means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

(7)~~(8)~~ As a part of the legislative budget request, the head of each state agency and the Chief Justice of the Supreme Court for the judicial branch shall include an inventory of all litigation in which the agency is involved that may require additional appropriations to the agency*, that may significantly affect revenues received or anticipated to be received by the state, or that may require* ~~or~~ amendments to the law under which the agency operates. No later than March 1 following the submission of the legislative budget request, the head of the state agency and the Chief Justice of the Supreme Court shall provide an update of any additions or changes to the inventory. Such inventory shall include information specified annually in the legislative budget instructions *and, within the discretion of the head of the state agency or the Chief Justice of the Supreme Court, may contain only information found in the pleadings*.

(8)~~(9)~~ Annually, by June 30, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The *Senate and the House of Representatives appropriations committees* ~~Senate Committee on Fiscal Policy and the House Fiscal Responsibility Council~~ shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.

(9)~~(10)~~ The Executive Office of the Governor shall review the legislative budget request for technical compliance with the budget format provided for in the budget instructions. The Executive Office of the Governor shall notify the agency or the judicial branch of any adjustment required. The agency or judicial branch shall make the appropriate corrections as requested. If the appropriate technical corrections are not made as requested, the Executive Office of the Governor shall adjust the budget request to incorporate the appropriate technical corrections in the format of the request.

(10)~~(11)~~ At any time after the Governor *submits his or her*~~and the Chief Justice submit their~~ recommended *budget* ~~budgets~~ to the Legislature, the head of the agency or judicial branch may amend his or her request by transmitting to the Governor and the Legislature an amended request in the form and manner prescribed in the legislative budget instructions.

(11)~~(12)~~ The legislative budget request from each agency and from the judicial branch shall be reviewed by the Legislature. The review may allow for the opportunity to have information or testimony by the agency, the judicial branch, the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Governor's Office of Planning and Budgeting, and the public regarding the proper level of funding for the agency in order to carry out its mission.

(12)~~(13)~~ In order to ensure an integrated state planning and budgeting process, the agency long-range plan should be reviewed by the Legislature.

Section 16. Section 216.031, Florida Statutes, is amended to read:

216.031 Target budget request.—Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of *an* ~~the~~appropriations *committee* ~~committees~~ of the Senate or *the* House of Representatives may request any agency or the judicial branch, to submit ~~no later than September 30 of each year~~ a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. ~~The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however,~~ The target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Section 17. Section 216.052, Florida Statutes, is amended to read:

216.052 Community budget requests; appropriations~~; grants~~.—

(1) A local, county, or regional governmental entity, private organization, or nonprofit organization may submit a request for a state appropriation for a program, service, or capital outlay initiative that is local or regional in scope, is intended to meet a documented need, addresses a statewide interest, is intended to produce measurable results, and has tangible community support to members of the Legislature, a state agency, or the Governor.

~~(2) Each appropriation to a local government, a private organization, or a nonprofit organization made pursuant to a community budget request shall require that the community's support be tangibly demonstrated by evidence that the program or service will operate in a financially sound manner. Any appropriation to a local government, a private organization, or a nonprofit organization made pursuant to this section should require local matching funds. The match must be based on the size and scope of the project and the applicant's ability to provide the match. In addition, the granting of state funds shall be used to encourage the establishment of community-based partnerships between the public sector and the private sector.~~

~~(3) Each community budget request submitted pursuant to this section must receive a hearing before a body of duly elected public officials before being submitted for consideration.~~

(2)~~(4)~~ For requests submitted to members of the Legislature, community budget requests shall be submitted in the form and manner prescribed jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a form and manner of submission to be used by both houses, each may prescribe a form and manner of submission to be used in his or her house.

(3)~~(5)~~ Community budget requests shall be submitted to the chairs of the legislative appropriations committees in accordance with the schedule established jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a schedule to be used by both houses, each may prescribe a schedule to be used in his or her house.

(4)~~(6)~~ The Executive Office of the Governor shall prescribe the form and manner of submission of requests to state agencies and to the Governor.

(5)~~(7)~~ The retention of interest earned on state funds or the amount of interest income earned shall be applied against the state entity's obligation to pay the appropriated amount.

~~(8) Whenever possible, a loan must be made in lieu of a grant to a local government, a private organization, or a nonprofit organization. It is the intent of the Legislature that a revolving loan program shall be established so that the loan amount plus interest is paid back by the recipient to the state.~~

~~(9) Any private or nonprofit organization that is to receive funds through a community budget request shall, at the time of application for such funds, provide information regarding its organization, including a copy of its current budget, a list of its board of directors, and, if available, a copy of its most recent annual audit report prepared by an independent certified public accountant licensed in this state, including management letters or other documents associated with the audit report.~~

Section 18. Subsection (5) of section 216.053, Florida Statutes, is amended to read:

216.053 Summary Information in the General Appropriations Act; construction of such information.—

~~(5) For programs operating under performance-based program budgets, the General Appropriations Act shall contain summary information that covers specific appropriations and summarizes programs and performance.~~

Section 19. Section 216.065, Florida Statutes, is amended to read:

216.065 Fiscal impact statements on actions affecting the budget.—In addition to the applicable requirements of chapter 120, before the Governor*, or Governor* and Cabinet as a body, performing any constitutional or statutory duty, *or before any state agency or statutorily authorized entity takes* ~~take~~ any final action that will *affect revenues,* ~~directly~~ require a request for an increased or new appropriation in the following fiscal year*,* or ~~that will~~ transfer current year funds, *it* ~~they~~shall first provide the legislative appropriations committees with a fiscal impact statement that details the effects of such action on the budget. *The fiscal impact statement must specify the estimated budget and revenue impacts for the current year and the 2 subsequent fiscal years at the same level of detail required to support a legislative budget request, including amounts by appropriation category and fund.*

Section 20. Subsection (3) is added to section 216.081, Florida Statutes, to read:

216.081 Data on legislative and judicial branch expenses.—

(3) If the Governor does not receive timely estimates of the financial needs of the legislative branch, the Governor's recommended budget shall include the amounts appropriated and budget entity structure established in the most recent General Appropriations Act.

Section 21. Subsection (1) of section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, ~~the Juvenile Justice Estimating Conference, the Child Welfare System Estimating Conference,~~ the Occupational Forecasting Conference, the Early Learning Programs Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and the Social Services Estimating Conference.

Section 22. Subsections (4) and (5) of section 216.134, Florida Statutes, are amended to read:

216.134 Consensus estimating conferences; general provisions.—

(4) *Consensus estimating conferences are within the legislative branch.* The membership of each consensus estimating conference consists of principals and participants.

(a) A person designated by law as a principal may preside over conference sessions, convene conference sessions, request information, specify topics to be included on the conference agenda, agree or withhold agreement on whether information is to be official information of the conference, release official information of the conference, interpret official information of the conference, and monitor errors in official information of the conference.

(b) A participant is any person who is invited to participate in the consensus estimating conference by a principal. A participant shall, at the request of any principal before or during any session of the conference, develop alternative forecasts, collect and supply data, perform analyses, or provide other information needed by the conference. The conference shall consider information provided by participants in developing its official information.

(5) All sessions and meetings of a consensus estimating conference shall be open to the public ~~as provided in chapter 286~~. *The President of the Senate and the Speaker of the House of Representatives, jointly, shall be the sole judge for the interpretation, implementation, and enforcement of this subsection.*

Section 23. Subsections (7) through (12) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus Estimating Conferences; duties and principals.—

~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—~~

~~(a) Duties.—The Child Welfare System Estimating Conference shall develop such official information relating to the child welfare system of~~

~~the state, including forecasts of child welfare caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information may include, but is not limited to:~~

~~1. Estimates and projections of the number of initial and additional reports of child abuse, abandonment, or neglect made to the central abuse hotline maintained by the Department of Children and Family Services as established in s. 39.201(4). Projections may take into account other factors that may influence the number of future reports to the abuse hotline.~~

~~2. Estimates and projections of the number of children who are alleged to be victims of child abuse, abandonment, or neglect and are in need of emergency shelter, foster care, residential group care, adoptive services, or other appropriate care.~~

~~In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Children and Family Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.~~

~~(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Children and Family Services, the Senate, and the House of Representatives, or their designees, are the principals of the Child Welfare System Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.—~~

~~(a) Duties.—The Juvenile Justice Estimating Conference shall develop such official information relating to the juvenile justice system of the state as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include, but is not limited to: estimates of juvenile delinquency caseloads and workloads; estimates for secure, nonsecure, and home juvenile detention placements; estimates of workloads in the juvenile sections in the offices of the state attorneys and public defenders; estimates of mental health and substance abuse treatment relating to juveniles; and such other information as is determined by the conference principals to be needed for the state planning and budgeting system.~~

~~(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Substance Abuse and Mental Health Program Offices, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon the appropriate legislative staff.~~

(7)~~(9)~~ WORKFORCE ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Workforce Estimating Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

2. The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.

3. During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.

4. Notwithstanding subparagraph 3., the Workforce Estimating Conference, for the purposes described in subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February and the second meeting shall be held in August. Other meetings may be scheduled as needed.

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.

(8)~~(10)~~ EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Early Learning Programs Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6), and of children eligible for the Voluntary Prekindergarten Education Program in accordance with s. 1002.53(2), as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

2. The Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the Early Learning Programs Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(9)~~(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.—

(a) Duties.—The Self-Insurance Estimating Conference shall develop such official information on self-insurance related issues as the conference determines is needed by the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and *professional* staff ~~directors of the committees~~ of the Senate and the House of Representatives *who have forecasting and substantive experience* ~~which have primary responsibility for legislation dealing with taxation~~, or their designees, are the principals of the Self-Insurance Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(10)~~(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.—

(a) Duties.—The Florida Retirement System Actuarial Assumption Conference shall develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the system actuarial study undertaken pursuant to s. 121.031(3). Such information shall include: an analysis of the actuarial assumptions and actuarial methods used in the study and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting *and substantive* expertise, or their designees, are the principals of the Florida Retirement System Actuarial Assumption Conference. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants in the conference.

Section 24. Subsection (1) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(1) At least *30* ~~45~~ days before the scheduled annual legislative session, the Governor shall furnish each senator and representative a copy of his or her recommended balanced budget for the state, based on the Governor's own conclusions and judgment; ~~provided,~~ however, ~~that~~ in his or her first year in office a new Governor may request, subject to approval of the President of the Senate and the Speaker of the House of Representatives, that his or her recommended balanced budget be submitted at a later time prior to the Governor's first regular legislative session.

Section 25. Subsection (2) and paragraph (b) of subsection (4) of section 216.163, Florida Statutes, are amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(a) The Governor's recommendations for operating each state agency, and those of the Chief Justice of the Supreme Court for operating the judicial branch, for the next fiscal year. These recommendations shall be displayed by appropriation category within each budget entity and shall also include the legislative budget request of the corresponding agency. *In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for operating appropriations may include an alternative recommendation to that of the Chief Justice.*

(b)1. The Governor's recommendations and those of the Chief Justice for fixed capital outlay appropriations for the next fiscal year. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency. *In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for fixed capital outlay appropriations may include an alternative recommendation to that of the Chief Justice.*

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he or she shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and the judicial branch and alternatives to the proposed projects as made by the Department of Management Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor and by the judicial branch.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor or the Chief Justice.

(f) The Governor's recommendations for high-risk information technology projects which should be subject to monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

(g) Any additional information which the Governor or Chief Justice feels is needed to justify his or her recommendations.

(4) The Executive Office of the Governor shall review the findings of the Office of Program Policy Analysis and Government Accountability, to the extent they are available, request any reports or additional analyses as necessary, and submit a recommendation for executive agencies, which may include a recommendation regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of a state agency. The Chief Justice shall review the findings of the Office of Program Policy Analysis and Government Accountability regarding judicial branch performance and make appropriate recommendations for the judicial branch.

(b) Disincentives may include, but are not limited to:

1. Mandatory quarterly reports to the Executive Office of the Governor and the Legislature on the agency's progress in meeting performance standards.

2. Mandatory quarterly appearances before the Legislature, the Governor, or the Governor and Cabinet to report on the agency's progress in meeting performance standards.

3. Elimination or restructuring of the program, which may include, but not be limited to, transfer of the program or outsourcing all or a portion of the program.

4. Reduction of total positions for a program.

5. Restriction on or reduction of the spending authority provided in s. 216.292(2)*(b)*.

6. Reduction of managerial salaries.

Section 26. Subsections (1) through (4) of section 216.167, Florida Statutes, are amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule that provides:

(1) The Governor's estimate of the recommended recurring revenues available in the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(2) The Governor's estimate of the recommended nonrecurring revenues available in the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(3) The Governor's recommended recurring and nonrecurring appropriations from the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(4) The Governor's estimates of any interfund loans or temporary obligations of the Budget Stabilization Fund, the *General Revenue* ~~Working Capital~~ Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.

Section 27. Subsection (4) of section 216.168, Florida Statutes, is amended to read:

216.168 Governor's amended revenue or budget recommendations; optional and mandatory.—

(4) If the Governor determines, at any time after he or she has furnished the Legislature with his or her recommendations or amended recommendations, that the revenue estimates upon which the Governor's recommendations were based are insufficient to fund these recommendations, the Governor shall amend his or her revenues or appropriations recommendations to bring the Governor's recommended budget into balance. ~~On or after March 1, if the Governor determines that there is insufficient time to provide the information for the amended recommendations required in ss. 216.164 and 216.166, he or she shall be exempt from such requirement.~~

Section 28. Subsections (2), (3), and (4) of section 216.177, Florida Statutes, are amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(2)(a) Whenever notice of action to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court is required by this chapter, such notice shall be given to the chair and vice chair of the Legislative Budget Commission in writing, and shall be delivered at least 14 days prior to the action referred to, unless a shorter period is approved in writing by the chair *and vice chair*. If the action is solely for the release of funds appropriated by the Legislature, the notice shall be delivered at least 3 days before the effective date of the action. Action shall not be taken on any budget item for which this chapter requires notice to the Legislative Budget Commission or the appropriations committees without such notice having been provided, even though there may be good cause for considering such item.

(b) If the chair and vice chair of the Legislative Budget Commission or the President of the Senate and the Speaker of the House of Representatives timely advise, in writing, the Executive Office of the Governor or the Chief Justice of the Supreme Court that an action or a proposed action, *including any expenditure of funds resulting from the settlement of litigation involving a state agency or officer,* whether subject to the notice and review requirements of this chapter or not, exceeds the delegated authority of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, respectively, or is contrary to legislative policy and intent, the Governor or the Chief Justice of the Supreme Court shall void such action and instruct the affected state agency or entity of the judicial branch to change immediately its spending action or spending proposal until the Legislative Budget Commission or the Legislature addresses the issue. The written documentation shall indicate the specific reasons that an action or proposed action exceeds the delegated authority or is contrary to legislative policy and intent.

(c) The House of Representatives and the Senate shall provide by rule that any member of the House of Representatives or Senate may request, in writing, of either the President of the Senate or the Speaker of the House of Representatives to initiate the procedures of paragraph (b).

(3) The Legislature may annually specify any incentives and disincentives for agencies operating programs under performance-based ~~program~~ budgets pursuant to this chapter in the General Appropriations Act or legislation implementing the General Appropriations Act.

~~(4) Notwithstanding the 14-day notice requirements of this section, the Department of Children and Family Services is required to provide notice of proposed transfers submitted pursuant to s. 20.19(5)(b) to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 working days prior to their implementation.~~

Section 29. Subsections (1), (2), (4), (6), (8), (9), (10), (12), and (16) of section 216.181, Florida Statutes, are amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(1) The General Appropriations Act and any other acts containing appropriations shall be considered the original approved operating budgets for operational and fixed capital expenditures. Amendments to the approved operating budgets for operational and fixed capital outlay expenditures from state agencies may be requested only through the Executive Office of the Governor and approved by the Governor and the Legislative Budget Commission as provided in this chapter. Amendments from the judicial branch may be requested only through~~, and approved by,~~ the Chief Justice of the Supreme Court *and must be approved by the Chief Justice and the Legislative Budget Commission as provided in this chapter* . This includes amendments which are necessary to implement the provisions of s. 216.212 or s. 216.221.

(2) Amendments to the original approved operating budgets for operational and fixed capital outlay expenditures must comply with the following guidelines in order to be approved by the Governor and the Legislative Budget Commission ~~as provided in this chapter~~ for the executive branch and the Chief Justice *and the Legislative Budget Commission* for the judicial branch:

(a) The amendment must be consistent with legislative policy and intent.

(b) The amendment may not initiate or commence a new program, except as authorized by this chapter, or eliminate an existing program.

(c) Except as authorized in s. 216.292 or other provisions of this chapter, the amendment may not provide funding or increased funding for items which were funded by the Legislature in an amount less than that requested by the agency ~~or Governor~~in the legislative budget request *or recommended by the Governor,* or which were vetoed by the Governor.

(d) For amendments that involve trust funds, there must be adequate and appropriate revenues available in the trust fund and the amendment must be consistent with the laws authorizing such trust funds and the laws relating to the use of the trust funds. However, a trust fund shall not be increased in excess of the original approved budget, except as provided in subsection (11).

(e) The amendment shall not conflict with any provision of law.

(f) The amendment must not provide funding for any issue which was requested by the agency or branch in its legislative budget request and not funded in the General Appropriations Act.

(g) The amendment must include a written description of the purpose of the proposed change, an indication of why interim budget action is necessary, and the intended recipient of any funds for contracted services.

(h) The amendment must not provide general salary increases which the Legislature has not authorized in the General Appropriations Act or other laws.

(4) To the extent possible, individual members of the Senate and the House of Representatives should be advised of budget amendments requested by the executive branch *and judicial branch*.

(6)(a) The Executive Office of the Governor or the Chief Justice of the Supreme Court may require the submission of a detailed plan from the agency or entity of the judicial branch affected, consistent with the General Appropriations Act, special appropriations acts, and *statements* ~~the statement~~ of intent before transferring and releasing the balance of a lump-sum appropriation. ~~The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.~~

(b) The Executive Office of the Governor and the Chief Justice of the Supreme Court may amend, without approval of the Legislative Budget Commission, state agency and judicial branch entity budgets, respectively, to reflect the transferred funds *and to provide the associated increased salary rate* based on the approved plans for lump-sum appropriations. *This paragraph is subject to the procedures set forth in s. 216.177.*

The Executive Office of the Governor shall transmit to each state agency and the Chief Financial Officer, and the Chief Justice shall transmit to each judicial branch component and the Chief Financial Officer, any approved amendments to the approved operating budgets.

(8) As part of the approved operating budget, the Executive Office of the Governor shall furnish to each state agency, and the Chief Justice of the Supreme Court shall furnish to the entity of the judicial branch, an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary

rate and shall be consistent with the General Appropriations Act or special appropriations acts. The annual salary rate shall be:

(a) *Determined by* ~~Calculated based on~~ the ~~actual~~ salary rate ~~in effect on June 30, and the salary policy and the number of authorized positions as~~ specified in the General Appropriations Act and *adjusted for reorganizations authorized by law, for any other appropriations made by law, and, subject to s. 216.177, for distributions of lump-sum appropriations and administered funds* ~~special appropriations acts, or as provided pursuant to s. 216.177~~ .

(b) Controlled by department or agency; except for the Department of Education, which shall be controlled by division and for the judicial branch, which shall be controlled at the branch level.

(c) Assigned to the number of authorized positions.

(9)~~(a) The calculation for the annual salary rate for vacant and newly authorized positions shall be at no more than the midpoint of the range of the pay grade for the position or as provided in the General Appropriations Act.~~

~~(b)~~ No agency or the judicial branch may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency or entity of the judicial branch may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency or entity of the judicial branch has reduced its salary rate so that the salary rate for each *department* ~~budget entity~~ is within the approved rate limit for that *department* ~~budget entity~~.

(10)(a) The *Legislative Budget Commission* ~~Executive Office of the Governor and the Chief Justice of the Supreme Court~~ may *authorize increases or decreases in* ~~increase or decrease~~ the approved salary rate for positions ~~for the purpose of implementing the General Appropriations Act, special appropriations acts, and actions pursuant to s. 216.262 consistent with legislative intent and policy. Other adjustments to approved salary rate must be approved by the Legislative Budget Commission~~ pursuant to the request of the agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent. ~~The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.~~

(b) Lump-sum salary bonuses may be provided only if specifically appropriated or provided pursuant to s. 110.1245 or s. 216.1815.

(c) State agencies and the judicial branch shall report, each fiscal quarter, the number of filled positions, the number of vacant positions, and the salary rate associated with each category to the Legislative Budget Commission in a form and manner prescribed by the commission.

(d) The salary rate provisions of subsections (8) and (9) and this subsection do not apply to the general office program of the Executive Office of the Governor.

(12) There is appropriated nonoperating budget for refunds, payments to the United States Treasury, *and* payments of the service charge to the General Revenue Fund~~, and transfers of funds specifically required by law~~. Such authorized budget, together with related releases, shall be transmitted by the state agency or by the judicial branch to the Chief Financial Officer for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer. A copy of such authorized budgets shall be furnished to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative committees responsible for developing the general appropriations acts, and the Auditor General. *Notwithstanding the duty specified for each state agency in s. 17.61(3),* the Governor may withhold approval of nonoperating investment authority for certain trust funds when deemed in the best interest of the state. The Governor for the executive branch, and the Chief Justice for the judicial branch, may establish nonoperating budgets*, with the approval of the chairs of the Senate and the House of Representatives appropriations committees,* for transfers, purchase of investments, special expenses, distributions, *transfers of funds specifically required by law,*and any other nonoperating budget categories they deem necessary and in the best interest of the state and consistent with legislative intent and policy. ~~The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177.~~ For purposes of this section, the term "nonoperating budgets" means nonoperating disbursement authority for purchase of investments, refunds, payments to the United States Treasury, transfers of funds specifically required by law, distributions of assets held by the state in a trustee capacity as an agent of fiduciary, special expenses, and other nonoperating budget categories, as determined necessary by the Executive Office of the Governor *and the chairs of the Senate and the House of Representatives appropriations committees*, not otherwise appropriated in the General Appropriations Act. *The establishment of nonoperating budget authority shall be deemed approved by a chair of a legislative committee if written notice of the objection is not provided to the Governor or Chief Justice, as appropriate, within 14 days of the chair receiving notice of the action pursuant to the provisions of s. 216.177.*

(16)(a) Funds provided in any specific appropriation in the General Appropriations Act may be advanced if the General Appropriations Act specifically so provides.

(b) Any agency, or the judicial branch, that has been authorized by the General Appropriations Act or expressly authorized by other law to make advances for program startup or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount *that* ~~which~~ may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This paragraph does not constitute lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Chief Financial Officer may, after consultation with the legislative appropriations committees, advance funds beyond a 3-month requirement if it is determined to be consistent with the intent of the approved operating budget.

~~(c) Unless specifically prohibited in the General Appropriations Act, funds appropriated to the Department of Children and Family Services and the Department of Health may be advanced for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis.~~

Section 30. Section 216.192, Florida Statutes, is amended to read:

216.192 Release of appropriations; revision of budgets.—

(1) Unless otherwise provided in the General Appropriations Act, on July 1 of each fiscal year, up to 25 percent of the original approved operating budget of each agency and of the judicial branch may be released until such time as annual plans for quarterly releases for all appropriations have been developed, approved, and furnished to the Chief Financial Officer by the Executive Office of the Governor for state agencies and by the Chief Justice of the Supreme Court for the judicial branch. The plans, including appropriate plans of releases for fixed capital outlay projects that correspond with each project schedule, shall attempt to maximize the use of trust funds and shall be transmitted to the Chief Financial Officer by August 1 of each fiscal year. Such releases shall at no time exceed the total appropriations available to a state agency or to the judicial branch, or the approved budget for such agency or the judicial branch if less. The Chief Financial Officer shall enter such releases in his or her records in accordance with the release plans prescribed by the Executive Office of the Governor and the Chief Justice, unless otherwise amended as provided by law. The Executive Office of the Governor and the Chief Justice shall transmit a copy of the approved annual releases to the head of the state agency, the chair and vice chair of the Legislative Budget Commission, and the Auditor General. The Chief Financial Officer shall authorize all expenditures to be made from the appropriations on the basis of such releases and in accordance with the approved budget, and not otherwise. Expenditures shall be authorized only in accordance with legislative authorizations. Nothing herein precludes periodic reexamination and revision by the Executive Office of the Governor or by the Chief Justice of the annual plans for release of appropriations and the notifications of the parties of all such revisions.

(2) Any department under the direct supervision of a member of the Cabinet or of a board consisting of the Governor and members of the Cabinet which contends that the plan for releases of funds appropriated to it is contrary to the approved operating budget shall have the right to have the issue reviewed by the Administration Commission which shall decide such issue by majority vote. ~~The appropriations committees of the Legislature may advise the Administration Commission on the issue.~~

(3) The Executive Office of the Governor shall make releases within the amounts appropriated and as requested for all appropriations to the legislative branch, and the provisions of subsections (1) and (2) shall not apply to the legislative branch.

~~(4) The legislative appropriations committees may advise the Chief Financial Officer, the Executive Office of the Governor, or the Chief Justice relative to the release of any funds under this section.~~

(4)~~(5)~~ The annual plans of releases authorized by this section may be considered by the Revenue Estimating Conference in preparation of the statement of financial outlook.

(5) In order to implement directives contained in the General Appropriations Act or to prevent deficits pursuant to s. 216.221, the Executive Office of the Governor for the executive branch and the Chief Justice for the judicial branch may place appropriations in budget reserve or mandatory reserve.

(6) *All budget actions taken pursuant to* the provisions of this section are subject to the notice and review procedures set forth in s. 216.177.

Section 31. Section 216.195, Florida Statutes, is amended to read:

216.195 Impoundment of funds; restricted.—The Executive Office of the Governor, the Chief Justice of the Supreme Court, any member of the Cabinet, or any state agency shall not impound any appropriation except as necessary to avoid or eliminate a deficit pursuant to the provisions of s. 216.221. As used in this section, the term "impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to s. 216.181 or in the schedule of releases prepared pursuant to s. 216.192 or the failure of any state agency or the judicial branch to spend an appropriation for the stated purposes authorized in the approved operating budget. ~~The provisions of this section are subject to the notice and review procedures of s. 216.177.~~ The Governor or either house of the Legislature may seek judicial review of any action or proposed action which violates ~~the provisions of~~ this section.

Section 32. Subsections (2), (3), (5), (7), (9), and (10) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—

(2) The Legislature may annually provide direction in the General Appropriations Act regarding use of *any state funds* ~~the Budget Stabilization Fund and Working Capital Fund~~ to offset General Revenue Fund deficits.

(3) For purposes of preventing a deficit in the General Revenue Fund, all branches and agencies of government ~~that receive General Revenue Fund appropriations~~ shall participate in deficit reduction efforts. Absent specific *legislative* direction ~~in the General Appropriations Act~~, when budget reductions are required in order to prevent a deficit under the provisions of subsection (7), each branch shall reduce its General Revenue Fund appropriations by a proportional amount.

(5)(a) If, in the opinion of the Governor, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund, he or she shall so certify to the commission and to the Chief Justice of the Supreme Court. No more than 30 days after certifying that a deficit will occur in the General Revenue Fund, the Governor shall develop for the executive branch, and the Chief Justice of the Supreme Court shall develop for the judicial branch, and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(b) If, in the opinion of the President of the Senate and the Speaker of the House of Representatives, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund and the Governor has not certified the deficit, the President of the Senate and the Speaker of the House of Representatives shall so certify. Within 30 days after such certification, the Governor shall develop for the executive branch and the Chief Justice of the Supreme Court shall develop for the judicial branch and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(c)~~(b)~~ In developing a plan of action to prevent deficits in accordance with subsection (7), the Governor and Chief Justice shall, to the extent possible, preserve legislative policy and intent, and, absent any specific direction to the contrary in the General Appropriations Act, the Governor and Chief Justice shall comply with the following guidelines for reductions in the approved operating budgets of the executive branch and the judicial branch:

~~1. Entire statewide programs previously established by the Legislature should not be eliminated.~~

1.~~2.~~ Education budgets should not be reduced more than provided for in s. 215.16(2).

2.~~3.~~ The use of nonrecurring funds to solve recurring deficits should be minimized.

3.~~4.~~ Newly created programs that are not fully implemented and programs with critical audits*, evaluations, and reviews*should receive first consideration for reductions.

4.~~5.~~ No agencies or branches of government receiving appropriations should be exempt from reductions.

5.~~6.~~ When reductions in positions are required, the focus should be initially on vacant positions.

~~7. Any reductions applied to all agencies and branches should be uniformly applied.~~

6.~~8.~~ Reductions that would cause substantial losses of federal funds should be minimized.

~~9. To the greatest extent possible, across-the-board, prorated reductions should be considered.~~

7.~~10.~~ Reductions to statewide programs should occur only after review of programs that provide only local benefits.

8.~~11.~~ Reductions in administrative and support functions should be considered before reductions in direct-support services.

9.~~12.~~ Maximum reductions should be considered in budgets for expenses including travel and in budgets for equipment replacement, outside consultants, and contracts.

10.~~13.~~ Reductions in salaries for elected state officials should be considered.

11.~~14.~~ Reductions that adversely affect the public health, safety, and welfare should be minimized.

12.~~15.~~ The Budget Stabilization Fund should not be reduced to a level that would impair the financial stability of this state.

13.~~16.~~ Reductions in programs that are traditionally funded by the private sector and that may be assumed by private enterprise should be considered.

14.~~17.~~ Reductions in programs that are duplicated among state agencies or branches of government should be considered.

(7) Deficits in the General Revenue Fund that do not meet the amounts specified by subsection (6) shall be resolved by the *Governor* ~~commission~~for the executive branch and the Chief Justice of the Supreme Court for the judicial branch. The *Governor* ~~commission~~ and Chief Justice shall implement any directions provided in the General Appropriations Act related to eliminating deficits and to reducing agency and judicial branch budgets, including the use of those legislative appropriations voluntarily placed in reserve. In addition, the *Governor and Chief Justice* ~~commission~~ shall implement any directions in the General Appropriations Act relating to the resolution of deficit situations. When

reducing state agency or judicial branch budgets, the *Governor* ~~commission~~ or the Chief Justice, respectively, shall use the guidelines prescribed in subsection (5). The Executive Office of the Governor ~~for the commission~~, and the Chief Justice for the judicial branch, shall implement the deficit reduction plans through amendments to the approved operating budgets in accordance with s. 216.181.

(9) If, in the opinion of the Chief Financial Officer, after consultation with the Revenue Estimating Conference, a deficit will occur, he or she shall report his or her opinion to the Governor*, the President of the Senate, and the Speaker of the House of Representatives* in writing. In the event the Governor does not certify a deficit*, or the President of the Senate and the Speaker of the House of Representatives do not certify a deficit* within 10 days after the Chief Financial Officer's report, the Chief Financial Officer shall report his or her findings and opinion to the commission and the Chief Justice of the Supreme Court.

(10) When advised by the Revenue Estimating Conference, the Chief Financial Officer, or any agency responsible for a trust fund that a deficit will occur with respect to the appropriations from a specific trust fund in the current fiscal year, the Governor for the executive branch, or the Chief Justice for the judicial branch, shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor or the Chief Justice must comply with the provisions of s. 216.177(2)*, and actions to resolve deficits in excess of $1 million must be approved by the Legislative Budget Commission*. In developing the plan of action, the Governor or the Chief Justice shall, to the extent possible, preserve legislative policy and intent~~, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the trust fund for the fiscal year shall be prorated among the specific appropriations made from the trust fund for the current fiscal year~~.

Section 33. Subsection (2) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

(2) The release of appropriated funds classified as "deficiency" shall be approved only when a General Revenue Fund appropriation for operations of a state agency or of the judicial branch is inadequate because the workload or cost of the operation exceeds that anticipated by the Legislature and a determination has been made by the *Governor* ~~commission~~ that the deficiency will result in an impairment of the activities of an agency or of the judicial branch to the extent that the agency is unable to carry out its program as provided by the Legislature in the general appropriations acts. These funds may not be used for creation of any new agency or program, for increases of salary, or for the construction or equipping of additional buildings.

Section 34. Subsections (3), (6), and (11) of section 216.235, Florida Statutes, are amended to read:

216.235 Innovation Investment Program.—

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

~~(b) "Commission" means the Information Resource Commission.~~

(b)~~(c)~~ "Committee" means the State Innovation Committee.

(c)~~(d)~~ "Office" means the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor.

(d)~~(e)~~ "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the *State Technology Office* ~~commission~~. The office shall consult with the *State Technology Office* ~~commission~~ for any project proposal that involves information resource technology. The *State Technology Office* ~~commission~~ is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the *State Technology Office*~~commission~~ any information requested by the *State Technology Office* ~~commission~~ to aid in determining that the proposed technology is appropriate for the project's success.

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The office may transfer funds from the annual appropriation as necessary to administer the program. *Proposals considered but not funded by the Legislature as part of an agency legislative budget request or the Governor's budget recommendation are not eligible to receive funding under the Innovation Investment Program.*

Section 35. Section 216.241, Florida Statutes, is amended to read:

216.241 Initiation or commencement of new programs; approval; expenditure of certain revenues.—

(1) A state agency or the judicial branch may not initiate or commence any new program, including any new federal program or initiative, or make changes in its current programs, as provided for in the appropriations act, that require additional financing unless funds have been specifically appropriated by the Legislature or unless the *Legislative Budget* Commission ~~or the Chief Justice of the Supreme Court~~ expressly approves such new program or changes. ~~The commission and the Chief Justice shall give notice as provided in s. 216.177 prior to approving such new program or changes.~~

(2) ~~No~~ Changes *that* ~~which~~ are inconsistent with the approved ~~operating~~ budget *may not* ~~shall~~ be made to existing programs *unless such changes are recommended to the Legislative Budget Commission by the Governor or the Chief Justice and the Legislative Budget Commission expressly approves such program changes*. ~~The provisions of~~ This subsection *is* ~~are~~ subject to the notice, review, and objection procedures set forth in s. 216.177.

(3) Any revenues generated by any tax or fee imposed by amendment to the State Constitution after October 1, 1999, shall not be expended by any agency, as defined in s. 120.52(1), except pursuant to appropriation by the Legislature.

Section 36. Subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the *State Board of Education and the Board of Governors* ~~Board of Regents~~ for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

~~6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.~~

(b) Salary payments shall be made only to employees filling established positions included in the agency's or in the judicial branch's approved budgets and amendments thereto as may be provided by law; provided, however:

1. Reclassification of established positions may be accomplished when justified in accordance with the established procedures for reclassifying positions; or

2. When the Division of Risk Management of the Department of Financial Services has determined that an employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit pursuant to the provisions of s. 440.15 and there is medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some type of work beneficial to the agency, the agency may return the employee to the payroll, at his or her regular rate of pay, to perform such duties as the employee is capable of performing, even if there is not an established position in which the employee can be placed. Nothing in this subparagraph shall abrogate an employee's rights under chapter 440 or chapter 447, nor shall it adversely affect the retirement credit of a member of the Florida Retirement System in the membership class he or she was in at the time of, and during, the member's disability.

Section 37. Paragraphs (a) and (c) of subsection (1) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)(a) Unless otherwise expressly provided by law, the total number of authorized positions may not exceed the total provided in the appropriations acts. In the event any state agency or entity of the judicial branch finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor or the Chief Justice; and, if the Executive Office of the Governor or Chief Justice certifies that there are no authorized positions available for addition, deletion, or transfer within the agency as provided in paragraph (c) and recommends an increase in the number of positions, the Governor or the Chief Justice may *recommend*~~, after a public hearing, authorize~~ an increase in the number of positions for the following reasons only:

1. To implement or provide for continuing federal grants or changes in grants not previously anticipated.~~;~~

2. To meet emergencies pursuant to s. 252.36.~~;~~

3. To satisfy new federal regulations or changes therein.~~;~~

4. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state or local government.~~; and~~

5. To authorize positions *that* ~~which~~ were not fixed by the Legislature through error in drafting the appropriations acts.

Actions recommended pursuant to ~~The provisions of~~ this paragraph are subject to *approval by the Legislative Budget Commission.*~~the notice and review procedures set forth in s. 216.177. A copy of the application,~~ The certification~~,~~ and the final authorization shall be *provided to* ~~filed with~~ the Legislative Budget Commission, the appropriations committees, and ~~with~~ the Auditor General.

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

~~3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budgeting Commission.~~

~~b. The Legislative Budgeting Commission shall authorize the agency to retain 20 percent of the salary dollars associated with the eliminated positions and may authorize retention of a greater percentage. All such salary dollars shall be used for permanent salary increases.~~

Section 38. Section 216.292, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 216.292, F.S., for present text.)

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that such moneys may be transferred as provided in this section when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose. Appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b)1. Authorized revisions of the original approved operating budget, together with related changes in the plan for release of appropriations, if any, shall be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, respectively, the chairs of the Senate and the House of Representatives appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and may not conflict with specific spending policies specified in the General Appropriations Act.

2. Authorized revisions, together with related changes, if any, in the plan for release of appropriations shall be transmitted by the state agency or by the judicial branch to the Chief Financial Officer for entry in the Chief Financial Officer's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer.

3. The Executive Office of the Governor or the Chief Justice shall forward a copy of the revisions within 7 working days to the Chief Financial Officer for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer.

(2) The following transfers are authorized to be made by the head of each department or the Chief Justice of the Supreme Court whenever it is deemed necessary by reason of changed conditions:

(a) The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and 216.192, as follows:

1. Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

2. Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

3. Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

(b) After providing notice at least 5 working days prior to implementation:

1. The transfer of funds within programs identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation so long as such a transfer does not result in an increase, to the total recurring general revenue or trust fund cost of the agency or entity of the judicial branch in the subsequent fiscal year: other personal services, expenses, operating capital outlay, food products, state attorney and public defender operations, data processing services, operating and maintenance of patrol vehicles, overtime payments, salary incentive payments, compensation to retired judges, law libraries, and juror and witness payments.

2. The transfer of funds and positions from identical funding sources between salaries and benefits appropriation categories within programs identified in the General Appropriations Act. Such transfers must be consistent with legislative policy and intent and may not adversely affect achievement of approved performance outcomes or outputs in any program.

(c) The transfer of funds appropriated to accounts established for disbursement purposes upon release of such appropriation upon request of a department and approval by the Chief Financial Officer. Such transfer may only be made to the same appropriation category and the same funding source from which the funds are transferred.

(d) The transfer of funds by the Executive Office of the Governor from appropriations for public school operations to a fixed capital outlay appropriation for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission pursuant to s. 1003.03(4)(a). Actions by the Governor under this subsection are subject to the notice and review provisions of s. 216.177.

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and review provisions of s. 216.177:

(a) The transfer of appropriations for operations from trust funds in excess of those provided in subsection (2), up to $1 million.

(b) The transfer of positions between budget entities.

(4) The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

(a) The transfer of appropriations for operations from the General Revenue Fund in excess of those provided in this section but within a state agency or within the judicial branch, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

(b) The transfer of appropriations for operations from trust funds in excess of those provided in this section that exceed the greater of 5 percent of the original approved budget or $1 million, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

(c) The transfer of the portion of an appropriation for a named fixed capital outlay project found to be in excess of that needed to complete the project to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch. The scope of a fixed capital outlay project may not be changed by any transfer of funds made pursuant to this subsection.

(d) The transfers necessary to accomplish the purposes of reorganization within state agencies or the judicial branch authorized by the Legislature when the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act.

(5) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice, review, and objection procedures set forth in s. 216.177.

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

(b) The amount due to the Division of Risk Management which is more than 90 days delinquent in payment to the Division of Risk Management of the Department of Financial Services for insurance coverage. The amount transferred shall be that certified by the division.

(c) The amount due to the Communications Working Capital Trust Fund from moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Department of Management Services which is unpaid 45 days after the billing date. The amount transferred shall be that billed by the department.

Section 39. Section 216.301, Florida Statutes, is amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended or contracted to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court for the judicial branch and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of such appropriation. The review shall assure that trust funds have been fully maximized. Any such encumbered balance remaining undisbursed on December 31 of the same calendar year in which such certification was made shall revert to the fund from which appropriated*, except as provided in subsection (3),* and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

(b) Any balance of any appropriation, except an appropriation for fixed capital outlay, for any given fiscal year remaining after charging against it any lawful expenditure shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature.

(c) Each department and the judicial branch shall maintain the integrity of the General Revenue Fund. Appropriations from the General Revenue Fund contained in the original approved budget may be transferred to the proper trust fund for disbursement. Any reversion of appropriation balances from programs which receive funding from the General Revenue Fund and trust funds shall be transferred to the General Revenue Fund within 15 days after such reversion, unless otherwise provided by federal or state law, including the General Appropriations Act. The Executive Office of the Governor or the Chief Justice of the Supreme Court shall determine the state agency or judicial branch programs which are subject to this paragraph. This determination shall be subject to the legislative consultation and objection process in this chapter. The Education Enhancement Trust Fund shall not be subject to the provisions of this section.

(2)(a) The balance of any appropriation for fixed capital outlay which is not disbursed but expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or for a construction project of a state university, shall be certified

by the head of the affected state agency or the legislative or judicial branch on February 1 to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of the commitment or obligation. The Executive Office of the Governor for the executive branch and the Chief Justice for the judicial branch shall review and approve or disapprove, consistent with criteria jointly developed by the Executive Office of the Governor and the legislative appropriations committees, the continuation of such unexpended balances. The Executive Office of the Governor shall, no later than February 20 of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

(b) The certification required in this subsection shall be in the form and on the date approved by the Executive Office of the Governor. Any balance that is not certified shall revert to the fund from which it was appropriated and be available for reappropriation.

(c) The balance of any appropriation for fixed capital outlay certified forward under paragraph (a) which is not disbursed but expended, contracted, or committed to be expended prior to the end of the second fiscal year of the appropriation, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or for a construction project of a state university, and any subsequent fiscal year, shall be certified by the head of the affected state agency or the legislative or judicial branch on or before August 1 of each year to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. If such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, the obligation shall be presented to the Legislature for its consideration.

(3) The President of the Senate and the Speaker of the House of Representatives may notify the Executive Office of the Governor to retain certified-forward balances from legislative budget entities until June 30 of the following fiscal year.

~~(2)(a) Any balance of any appropriation for fixed capital outlay not disbursed but expended or contracted or committed to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the legislative or judicial branch, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. In the event such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, then the same shall be presented to the Legislature for its consideration.~~

~~(b) Such certification as herein required shall be in the form and on the date approved by the Executive Office of the Governor. Any balance not so certified shall revert to the fund from which appropriated and shall be available for reappropriation.~~

~~(3) Notwithstanding the provisions of subsection (2), the unexpended balance of any appropriation for fixed capital outlay subject to but not under the terms of a binding contract or a general construction contract prior to February 1 of the second fiscal year, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or a construction project of a state university, of the appropriation shall revert on February 1 of such year to the fund from which appropriated and shall be available for reappropriation. The Executive Office of the Governor shall, not later than February 20 of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.~~

Section 40. Effective July 1, 2006, subsection (1) of section 216.301, Florida Statutes, as amended by this act, is amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended ~~or contracted to be expended~~ shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. ~~On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court for the judicial branch and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of such appropriation. The review shall assure that trust funds have been fully maximized.~~Any such encumbered balance remaining undisbursed on *September 30* ~~December 31~~ of the same calendar year in which such certification was made shall revert to the fund from which appropriated, except as provided in subsection (3), and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

(b) Any balance of any appropriation, except an appropriation for fixed capital outlay, for any given fiscal year remaining after charging against it any lawful expenditure shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature.

(c) Each department and the judicial branch shall maintain the integrity of the General Revenue Fund. Appropriations from the General Revenue Fund contained in the original approved budget may be transferred to the proper trust fund for disbursement. Any reversion of appropriation balances from programs which receive funding from the General Revenue Fund and trust funds shall be transferred to the General Revenue Fund within 15 days after such reversion, unless otherwise provided by federal or state law, including the General Appropriations Act. The Executive Office of the Governor or the Chief Justice of the Supreme Court shall determine the state agency or judicial branch programs which are subject to this paragraph. This determination shall be subject to the legislative consultation and objection process in this chapter. The Education Enhancement Trust Fund shall not be subject to the provisions of this section.

Section 41. Subsection (3) of section 218.60, Florida Statutes, is amended to read:

218.60 Definitions.—

~~(3) All estimates of moneys provided pursuant to this part utilized by participating units of local government in the first year of participation shall be equal to 95 percent of those projections made by the revenue estimating conference and provided to local governments by the Office of Economic and Demographic Research, in consultation with the Department of Revenue.~~

Section 42. Subsection (2) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(2) It is the legislative intent that the first recourse be made to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular

disaster declared by the Governor as a state of emergency are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund ~~or Working Capital Fund~~. Following the expiration or termination of the state of emergency, the Governor may process a budget amendment under the notice and review procedures set forth in s. 216.177 to transfer moneys to satisfy the budget authority granted for such emergency.

Section 43. Subsection (3) of section 265.55, Florida Statutes, is amended to read:

265.55 Claims.—

(3) The authorization for payment delineated in subsection (2) shall be forwarded to the Chief Financial Officer. The Chief Financial Officer shall take appropriate action to execute authorized payment of the claim from *unobligated, unappropriated moneys in* the *General Revenue* ~~Working Capital~~ Fund, as defined in s. 215.32.

Section 44. Subsection (5) of section 288.7091, Florida Statutes, is amended to read:

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

(5) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136*(7)* ~~(9)~~which target high growth jobs;

Section 45. Subsection (5) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(5)(a) Except as provided in paragraph (c), the remainder of such revenues must be deposited in the State Transportation Trust Fund.

(b) The Chief Financial Officer each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as *determined by the Chief Financial Officer after consultation with the* ~~estimated by the most recent~~ revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Legislative Budget Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the *Chief Financial Officer after consultation with the* revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment must be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsections (2) and (3). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph must be calculated and certified to the Chief Financial Officer by the Executive Office of the Governor.

Section 46. Section 337.023, Florida Statutes, is amended to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292*(2)(b)2.*~~(4)(b)~~, if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 47. Paragraph (a) of subsection (2), paragraphs (c) and (f) of subsection (6), and subsection (7) of section 339.135, Florida Statutes, are amended to read:

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

(2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.—

(a) The department shall file the legislative budget request in the manner required by chapter 216, setting forth the department's proposed revenues and expenditures for operational and fixed capital outlay needs to accomplish the objectives of the department in the ensuing fiscal year. The right-of-way, construction, preliminary engineering, maintenance, and all grants and aids programs of the department shall be set forth only in program totals. The legislative budget request must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan. The legislative budget request shall be amended to conform to the tentative work program. *Prior to the submission of the tentative work program pursuant to s. 339.135(4)(f),* the department may amend its legislative budget request and the tentative work program *for* ~~based on~~ the most recent estimating conference estimate of revenues and the most recent federal aid apportionments.

(6) EXECUTION OF THE BUDGET.—

(c) Notwithstanding the provisions of ss. 216.301*(2)*~~(3)~~and 216.351, any unexpended balance remaining at the end of the fiscal year in the appropriations to the department for special categories; aid to local governments; lump sums for project phases which are part of the adopted work program, and for which contracts have been executed or bids have been let; and for right-of-way land acquisition and relocation assistance for parcels from project phases in the adopted work program for which appraisals have been completed and approved, may be certified forward as fixed capital outlay *at the end of each fiscal year, to be certified by the head of the state agency on or before August 1 of each year to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the state agency and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. In the event such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, then the same shall be presented to the Legislature for its consideration. Such certification as herein required shall be in the form and on the date approved by the Executive Office of the Governor* ~~under the provisions of s. 216.301(2)(a)~~. Any project phases in the adopted work program not certified forward ~~under the provisions of s. 216.301(2)(a)~~shall be available for roll forward for the next fiscal year of the adopted work program. Spending authority associated with such project phases may be rolled forward to the next fiscal year *upon approval by the Legislative Budget Commission* ~~pursuant to paragraph (f)~~. *Increases in spending authority shall be limited to amounts of unexpended balances by appropriation category.* Any project phase certified forward for which bids have been let but subsequently rejected shall be available for roll forward in the adopted work program for the next fiscal year. Spending authority associated with such project phases may be rolled forward into the current year from funds certified forward ~~pursuant to paragraph (f)~~. The amount certified forward may include contingency allowances for right-of-way acquisition and relocation, asphalt and petroleum product escalation clauses, and contract overages, which allowances shall be separately identified in the certification detail. Right-of-way acquisition and relocation and contract overages contingency allowances shall be based on

documented historical patterns. These contingency amounts shall be incorporated in the certification for each specific category, but when a category has an excess and another category has a deficiency, the Executive Office of the Governor is authorized to transfer the excess to the deficient account.

~~(f) Notwithstanding the provisions of ss. 216.181(1), 216.292, and 216.351, the Executive Office of the Governor may amend that portion of the department's original approved fixed capital outlay budget which comprises the work program pursuant to subsection (7). Increase in spending authority in paragraph (c) shall be limited to amounts of unexpended balances by appropriation category.~~

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(a) Notwithstanding the provisions of ss. ~~216.181(1),~~216.292~~,~~ and 216.351, the adopted work program may be amended only pursuant to the provisions of this subsection.

(b) The department may not transfer any funds for any project or project phase between department districts. However, a district secretary may agree to a loan of funds to another district, if:

1. The funds are used solely to maximize the use or amount of funds available to the state;

2. The loan agreement is executed in writing and is signed by the district secretaries of the respective districts;

3. Repayment of the loan is to be made within 3 years after the date on which the agreement was entered into; and

4. The adopted work program of the district loaning the funds would not be substantially impaired if the loan were made, according to the district secretary.

The loan constitutes an amendment to the adopted work program and is subject to the procedures specified in paragraph *(b)* ~~(c)~~ .

(c) The department may amend the adopted work program to transfer *fixed capital outlay* appropriations *for projects* within the *same appropriations category or between appropriations categories, including* ~~department, except that~~ the following amendments *which* shall be subject to the procedures in paragraph (d):

1. Any amendment which deletes any project or project phase;

2. Any amendment which adds a project estimated to cost over $150,000 in funds appropriated by the Legislature;

3. Any amendment which advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over $500,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less; or

4. Any amendment which advances or defers to another fiscal year, any preliminary engineering phase or design phase estimated to cost over $150,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less.

(d)1. Whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or subparagraph (c)4., it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairs of the legislative appropriations committees, the chairs of the legislative transportation committees, each member of the Legislature who represents a district affected by the proposed amendment, each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment. Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

2. The Governor shall not approve a proposed amendment until 14 days following the notification required in subparagraph 1.

3. If either of the chairs of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment ~~or shall submit the proposed amendment to the Administration Commission. The proposed amendment may be approved by the Administration Commission by a two-thirds vote of the members present with the Governor voting in the affirmative. In the absence of approval by the commission, the proposed amendment shall be automatically disapproved~~.

(e) Notwithstanding the requirements in *paragraphs*~~paragraph~~ (d) *and (g)* and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34(3), and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget in the event that the delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and shall provide such parties written justification for the emergency action within 7 days of the approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. In no event may the adopted work program be amended under the provisions of this subsection without the certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

(f) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to paragraph (b). Such investment shall be limited as provided in s. 288.9607(7).

(g) Any work program amendment which also requires the transfer of fixed capital outlay appropriations between categories within the department or the increase of an appropriation category is subject to the approval of the Legislative Budget Commission. If a meeting of the Legislative Budget Commission cannot be held within 30 days of the department submitting an amendment to the Legislative Budget Commission, then the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to the provisions of s. 216.177.

Section 48. Subsection (2) of section 373.6065, Florida Statutes, is amended to read:

373.6065 Adoption benefits for water management district employees.—

(2) The Chief Financial Officer and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for these child adoption monetary benefits in accordance with s. 215.32*(2)(c)5.*~~(1)(c)5.~~, as long as funds remain available for the program described under s. 110.152.

Section 49. Subsection (3) of section 381.0303, Florida Statutes, is amended to read:

381.0303 Health practitioner recruitment for special needs shelters.—

(3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.—The Department of Health shall reimburse, subject to the availability of funds for this purpose, health care practitioners, as defined in s. 456.001, provided the practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and paramedics licensed pursuant to chapter 401 for medical care provided at the request of the department in special needs shelters or at other locations during times of emergency or major disaster. Reimbursement for health care practitioners, except for physicians licensed pursuant to chapter 458 or chapter 459, shall be based on the average hourly rate that such practitioners were paid according to the most recent survey of Florida hospitals conducted by the Florida Hospital Association. Reimbursement shall be requested on forms prepared by the Department of Health. If a Presidential Disaster Declaration has been made, and the Federal Government makes funds available, the department shall use such funds for reimbursement of eligible expenditures. In other situations, or if federal funds do not fully compensate the department for reimbursement made pursuant to this section, the department shall *process* ~~sub-~~

~~mit to the Cabinet or Legislature, as appropriate,~~ a budget amendment to obtain reimbursement from *unobligated, unappropriated moneys in*the *General Revenue* ~~working capital~~ Fund. Travel expense and per diem costs shall be reimbursed pursuant to s. 112.061.

Section 50. Subsection (3) of section 392.69, Florida Statutes, is amended to read:

392.69 Appropriation, sinking, and maintenance trust funds; additional powers of the department.—

(3) In the execution of its public health program functions, notwithstanding s. 216.292*(2)(b)2.*~~(4)(b)~~ , the department is hereby authorized to use any sums of money which it may heretofore have saved or which it may hereafter save from its regular operating appropriation, or use any sums of money acquired by gift or grant, or any sums of money it may acquire by the issuance of revenue certificates of the hospital to match or supplement any state or federal funds, or any moneys received by said department by gift or otherwise, for the construction or maintenance of additional facilities or improvement to existing facilities, as the department deems necessary.

Section 51. Subsection (5) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(5) CASE MANAGEMENT SERVICES.—The agency may pay for primary care case management services rendered to a recipient pursuant to a federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act. ~~Notwithstanding s. 216.292, the Department of Children and Family Services may transfer general funds to the Agency for Health Care Administration to fund state match requirements exceeding the amount specified in the General Appropriations Act for targeted case management services.~~

Section 52. Subsection (11) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

~~(a)~~ Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.

~~(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.~~

Section 53. Section 409.16745, Florida Statutes, is amended to read:

409.16745 Community partnership matching grant program.—It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least $250,000 from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of $2 million per council or local government entity. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. ~~To ensure necessary flexibility for the development, start up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence.~~ Funding available for the matching grant program is subject to legislative appropriation of nonrecurring funds provided for the purpose.

Section 54. Subsection (2) of section 468.392, Florida Statutes, is amended to read:

468.392 Auctioneer Recovery Fund.—There is created the Auctioneer Recovery Fund as a separate account in the Professional Regulation Trust Fund. The fund shall be administered by the Florida Board of Auctioneers.

(2) All payments and disbursements from the Auctioneer Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the Secretary of Business and Professional Regulation or the secretary's designee. ~~Amounts transferred to the Auctioneer Recovery Fund shall not be subject to any limitation imposed by an appropriation act of the Legislature.~~

Section 55. Subsection (6) of section 475.484, Florida Statutes, is amended to read:

475.484 Payment from the fund.—

(6) All payments and disbursements from the Real Estate Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the secretary of the department. ~~Amounts transferred to the Real Estate Recovery Fund shall not be subject to any limitation imposed by an appropriation act of the Legislature.~~

Section 56. Paragraph (b) of subsection (7) of section 631.141, Florida Statutes, is amended to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(7)

(b) In the event that initiation of delinquency proceedings does not result in appointment of the department as receiver, or in the event that the funds or assets of an insurer for which the department is appointed as receiver are insufficient to cover the cost of compensation to special agents, counsel, clerks, or assistants and all expenses of taking, or attempting to take, possession of the insurer, and of conducting the proceeding, there is appropriated, upon approval of the Chief Financial Officer and *of* the Legislative Budget Commission *pursuant to chapter 216*, from the Insurance Regulation Trust Fund to the Division of Rehabilitation and Liquidation a sum that is sufficient to cover the unreimbursed costs.

Section 57. Paragraph (b) of subsection (9) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission and sentencing guidelines generally.—

(9)

(b) On or after January 1, 1994, any legislation which:

1. Creates a felony offense;

2. Enhances a misdemeanor offense to a felony offense;

3. Moves a felony offense from a lesser offense severity level to a higher offense severity level in the offense severity ranking chart in s. 921.0012; or

4. Reclassifies an existing felony offense to a greater felony classification

must provide that such a change result in a net zero sum impact in the overall prison population, as determined by the *Legislature, considering the most recent estimates of the*Criminal Justice Estimating Conference, unless the legislation contains a funding source sufficient in its base or rate to accommodate such change or a provision which specifically abrogates the application of this paragraph.

Section 58. Subsection (3) of section 943.61, Florida Statutes, is amended to read:

943.61 Powers and duties of the Capitol Police.—

(3) ~~Notwithstanding the provisions of chapter 216, no assets, personnel, or resources shall be taken from the Capitol Police, and no appropriation to the Capitol Police shall be reduced without the express approval of the Governor and the Legislative Budget Commission.~~ Nothing herein limits the ability of the Capitol Police to provide mutual aid to other law enforcement agencies as authorized by law unless such a limitation is expressly included in the operational security plans provided for herein.

Section 59. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292*(2)(d)*~~(13)~~. The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical. However, based upon a recommendation by the Commissioner of Education that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so, the Legislative Budget Commission may approve an alternative amount of funds to be transferred from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction.

Section 60. Paragraph (a) of subsection (1) of section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

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

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school career credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by ~~the Workforce Estimating Conference or~~ Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required career credits.

Section 61. Subsection (2) of section 1013.512, Florida Statutes, is amended to read:

1013.512 Land Acquisition and Facilities Advisory Board.—

(2) If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities operational processes, he or she shall certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. *Upon recommendation by the Governor,* the Legislative Budget Commission shall *approve or disapprove the placement of* ~~determine whether funds for the~~school district *funds* ~~will be placed~~ in reserve until the deficiencies are corrected.

Section 62. *Any undisbursed appropriations made from the Working Capital Fund, previously created in s. 215.32, Florida Statutes, are reappropriated from unallocated moneys in the General Revenue Fund; any appropriations made to the Working Capital Fund are reappropriated to the General Revenue Fund; and any references to the Working Capital*

Fund in SB 2600 or SB 2602, or similar legislation, shall be replaced with "the General Revenue Fund." It is the intent of the Legislature that the provisions of this section control in the event SB 2600 or SB 2602, or other similar legislation, are enacted subsequently during the 2005 Regular Session. This section expires July 1, 2006.

Section 63. *Sections 216.1825, 216.183, and 288.1234, Florida Statutes, are repealed.*

Section 64. Except as otherwise provided herein, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.19, F.S.,; eliminating certain transfer authority of district administrators in the Department of Children and Family Services; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; limiting the ability of agencies to settle lawsuits in certain circumstances; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed into the General Revenue Fund or an appropriate trust fund; amending s. 110.1239, F.S.; correcting a cross reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; revising requirements and uses of Working Capital Fund moneys; amending s. 215.5601, F.S.; revising provisions relating to appropriations to and uses of the Lawton Chiles Endowment Fund; amending ss. 215.93 and 215.94, F.S.; revising duties of the Financial Management Information Board, the functional owners of information subsystems, and the Auditor General relating to the Florida Financial Management Information System; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; revising duties of the Executive Office of the Governor and Chief Financial Officer and specifying duties of coordinating agencies; exempting certain nonstate entities from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising and providing definitions; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies and the judicial branch; providing for the preparation of form, manner, and timeframe instructions for such plans; revising the plan submission date; revising the date by which to submit adjustments to such plans; requiring the plans to be posted on the Internet; providing that long-range program plans are exempt from ch. 120; amending s. 216.023, F.S.; providing for alternate dates for agencies to submit legislative budget requests; changing the requirements for an annual inventory of certain litigation; requiring and specifying additional information in legislative budget requests; revising requirements of the judicial branch's legislative budget requests; revising duties of the Executive Office of the Governor, the Legislature, and the Chief Justice relating to legislative budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; amending s. 216.052, F.S.; deleting certain requirements relating to community budget requests; amending s. 216.053, F.S.; deleting the requirement that the General Appropriations Act contain summary information concerning performance-based program budgets; amending s. 216.065, F.S.; revising requirements relating to fiscal impact statements on actions affecting the budget; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; revising provisions relating to the principals of the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget to the Legislature; amending s. 216.163, F.S.; authorizing the Governor's budget recommendation to include an alternative recommendation for operating and fixed capital outlay appropriations to that of the Chief Justice; amending s. 216.167, F.S.; deleting references to the Working Capital Fund, to conform; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising notice and review requirements for actions taken under ch. 216, F.S., to provide for funds expended in settlement of agency litigation; deleting an obsolete provision; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; revising provisions relating to how the annual salary rate is determined and controlled; deleting certain notice requirements; requiring that the legislative appropriations committees approve certain nonoperating budgets; deleting the authority to advance certain contracted services funds in the Department of Children and Family Service and the Department of Health; amending s. 216.192, F.S.; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act to offset General Revenue Fund deficits; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations, to conform; amending s. 216.235, F.S.; limiting the funding of certain proposals under the Innovation Investment Program; correcting references; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions for authorized programs; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions relating to the transferability of appropriations; revising limitations on the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; providing notice and review requirements prior to implementation of certain transfers; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; revising the certification forward process for operating appropriations; amending s. 218.60, F.S.; deleting an obsolete provision; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund, to conform; amending s. 288.7091, F.S.; correcting a cross reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys; amending s. 337.023, F.S.; correcting a cross reference; amending s. 339.135, F.S.; revising requirements for the tentative work programs submitted by the Department of Transportation; specifying procedures by which unexpended balances in certain appropriations may be certified forward as fixed capital outlay; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; requiring approval of the Legislative Budget Commission for certain work program amendments; amending 373.6065, F.S.; correcting a cross reference; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 392.69, F.S.; correcting a cross reference; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; amending s.

409.912, F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration, to conform; amending s. 409.16745, F.S.; eliminating 72-hour notification for transfer of budget authority for the community partnership matching grant program; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation affecting the prison population; amending s. 943.61, F.S.; deleting a provision requiring approval by the Governor and the Legislative Budget Commission for appropriations to the Capitol Police; amending s. 1003.03, F.S.; correcting a cross reference; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain legislation to be replaced with a reference to the General Revenue Fund; repealing s. 216.1825, F.S., relating to zero-based budgeting; repealing s. 216.183, F.S., relating to entities using performance-based program budgets; repealing s. 288.1234, F.S., relating to the guaranty of state obligations and the Olympic Games Guaranty Account; providing effective dates.

On motion by Senator Pruitt, the Senate concurred in the House amendment.

CS for SB 2610 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 662, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

House Amendment 1 (404121)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 1. Subsection (2) of section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.—

(2) Whenever, in any health insurance claim form, an insured specifically authorizes payment of benefits directly to any recognized hospital, ~~or~~ physician, *or dentist,* the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. *The insurance contract may not prohibit, and claims forms must provide option for, the payment of benefits directly to a licensed hospital, physician, and dentist for care provided pursuant to s. 395.1041. The insurer may require written attestation of assignment of benefits. Payment to the provider from the insurer shall be no more than the amount that the insurer would otherwise have paid without the assignment.*

And the title is amended as follows:

On page 1, line 2, remove all of said line, and insert:

An act relating to health care; amending s. 627.638, F.S.; proscribing insurance contracts from prohibiting payment of benefits directly to licensed hospitals, physicians, and dentists for certain care; providing a claims form requirement; authorizing insurers to make certain requirements; providing a limitation on certain payments to providers; creating a

House Amendment 2 (352175)(with title amendment)—On page 6, between line(s) 24 and 25,

insert:

Section 4. *No later than January 1, 2006, the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, shall submit a report to the Legislature analyzing the impact of hospices on the delivery of care to terminally ill patients. The Office of Program Policy Analysis and Government Accountability shall consult with appropriate legislative committees to identify issues to address from among the following:*

(1) A comprehensive statistical analysis of hospice care in this state from January 1, 1999, to June 30, 2005.

(2) A comprehensive analysis of the scope of services provided by hospices in this state and a comparison of those services to the minimum service requirements of Medicare and Medicaid.

(3) An analysis of hospice service areas and penetration rates of hospice services by hospice service area, including a discussion of reasons for the existence of regional monopolies.

(4) An analysis of the services provided to and quality of care experienced by patients of for-profit hospices in this state and other states.

(5) An analysis of potential changes in the competitive marketplace in this state which may be produced by the introduction of additional for-profit hospices.

(6) An analysis of the effect that the presence of for-profit hospices has had on hospice service delivery and quality in other states.

(7) The projected cost of an introduction of additional for-profit hospices in this state to the Medicaid program.

(8) Any other relevant information.

And the title is amended as follows:

On page 1, line 24,

remove: all of said line

and insert: Licensure Compact; requiring the Office of Program Policy Analysis and Government Accountability to submit a report relating to hospice care; providing issues to be addressed in the report; providing an effective date.

On motion by Senator Clary, the Senate refused to concur in **House Amendment 1** and the House was requested to recede.

Senator Carlton offered the following amendment which was moved by Senator Clary and adopted:

Senate Amendment 1 (254858) (with title amendment) to House Amendment 2—On line 35, insert:

Section 5. *The study commission created in this act to address the effects of the 2004 hurricane season on certain hospitals must submit a report to the Legislative Budget Commission by December 1, 2005, regarding the types of structural damage caused by hurricanes in 2004 to not-for-profit hospitals' facilities and the cost of each type of damage suffered by each facility.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 44, following the semicolon (;) insert: requiring a report to the Legislative Budget Commission;

On motion by Senator Clary, the Senate concurred in **House Amendment 2** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 662 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 758, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

House Amendment 1 (868739) (with directory and title amendments)—On page 1, line(s) 24, insert:

Section 1. Subsection (47) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(47) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of *any* ~~a private~~ school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

And the title is amended as follows:

On page 1, line(s) 3,

remove: all of said lines and insert:

investigations; amending s. 39.01, F.S.; revising the definition of the term "other person responsible for a child's welfare" to

include employees of any school; amending s. 39.202, F.S.;

On motion by Senator Wise, the Senate refused to concur in the House amendment to **CS for CS for SB 758** and the House was requested to recede. The action of the Senate was certified to the House.

LOCAL BILL CALENDAR

SB 2668—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **SB 2668** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2680—A bill to be entitled An act relating to Hillsborough County; providing for a fee to be paid by felony offenders in the county; providing for an accounting of such fees and remission of the fee revenues collected by the Department of Corrections; providing the duties of the clerk of the court in connection with the fee revenues remitted; providing for the use of the funds by the board of county commissioners; providing for costs of administration; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **CS for SB 2680** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

SB 2774—A bill to be entitled An act relating to Broward County; creating the Broward County Council for Services for Seniors and Adults with Developmental Disabilities; creating an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the district; specifying criteria for membership to the governing board; providing terms of office; specifying the powers and functions of the council; requiring the council to appoint a chair and vice chair and elect officers, to identify and assess the needs of seniors and adults with developmental disabilities, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual report to the Broward County Board of County Commissioners; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council by the Broward County Tax Collector and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report to the Broward County Board of County Commissioners; providing that the district may be amended or dissolved by a special act of the Legislature; authorizing the Broward County Board of County Commissioners to fund the budget of the council from its own funds after or during the council's first year of operation; requiring the district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by the council; prohibiting the council from requiring certain matching funds; requiring a referendum; providing a ballot statement; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 2774** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2778—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to decrease capital local school property taxes or to discontinue the surtax in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (743136)—On page 2, delete line 4 and insert: law but shall ratify and confirm the referendum held in Pasco County in March, 2004.

On motion by Senator Fasano, by two-thirds vote **SB 2778** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 225** was deferred.

HB 619—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending, and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 619** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 669—A bill to be entitled An act relating to Pinellas County; amending chapter 90-403, Laws of Florida; increasing a civil penalty imposed under the Pinellas County Environmental Enforcement Act; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 721—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; providing that the Pine Tree Water Control District shall become a dependent district of the Village of Wellington; providing that the Village of Wellington Council members shall act as the board of supervisors of said district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 721** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 723—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending chapter 2000-404, Laws of Florida; revising the district charter to rename the district, provide it with specified statutory powers and authority, and delete unnecessary or redundant provisions relating to the district board of commissioners, special powers of the district, and taxes, non-ad valorem assessments, impact fees, and user charges; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 723** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 725—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending chapter 2000-391, Laws of Florida; conforming the district charter to chapter 191, Florida Statutes, relating to impact fees; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 725** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 733—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; revising district boundaries; raising the threshold requiring disbursement of district funds to be by signed warrant or check; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 733** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 749—A bill to be entitled An act relating to the Holley-Navarre Fire District, Santa Rosa County; amending chapter 2004-463, Laws of Florida; providing for impact fees; providing legislative intent; providing application; requiring fee proceeds to be kept separate from other funds; providing a definition; providing that fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 749** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones

King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

HB 753—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 753** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 755—A bill to be entitled An act relating to the City of Lake Butler, Union County; amending chapter 63-1499, Laws of Florida, as amended; providing for numbered commission seats; providing for qualifications for office; providing for filling of seat when only one candidate qualifies; revising the qualifying period; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 755** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 765** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 767—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District; amending chapter 2000-467, Laws of Florida; increasing terms of office of members of the board of supervisors; revising procedures for election of board members; providing a definition; providing qualifications of board members; providing for filling of vacancies; providing certain exemption from campaign financing requirements; authorizing and providing conditions for compensation of board members; revising the time for holding annual meetings; precluding use of certain publicly owned property for voting shares; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 767** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final

average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 783** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 801—A bill to be entitled An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 803—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

—was read the second time by title. On motion by Senator Constantine, by two-thirds vote **HB 803** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 857—A bill to be entitled An act relating to the Pal-Mar Water Control District, Palm Beach and Martin Counties; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for a board of supervisors; providing membership, terms of office, removal from office, and powers of the board; repealing chapters 82-356 and 85-483, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Haridopolos
Atwater	Crist	Hill
Baker	Dawson	Jones
Bennett	Diaz de la Portilla	King
Bullard	Dockery	Klein
Campbell	Fasano	Lawson

Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

HB 859—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida; authorizing the district to sell, lease, or otherwise encumber surplus real property owned by the district; providing an exception; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 899** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 923—A bill to be entitled An act relating to the St. Lucie County Fire District; establishing an exemption from payment to redevelopment trust funds created by community redevelopment agencies; providing for the St. Lucie County Fire District to appropriate to the redevelopment trust fund to the extent funds are insufficient to cover debt service on any bonds authorized and issued before the effective date of the act but not after the effective date of the act; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 923** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 939—A bill to be entitled An act relating to the Panama City-Bay County Airport and Industrial District, an independent special district in Bay County; codifying, amending, reenacting, and repealing chapter 98-527, Laws of Florida, relating to the district; providing definitions; providing boundaries of the district; providing restrictions with respect to certain real estate; providing for a board of directors and its membership, quorum, travel expenses, and per diem; providing purposes of the district; providing powers of the board; providing for the issuance of bonds; exempting district property from taxation; providing severability; repealing chapter 98-527, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 939** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 957—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of "final average salary," "salary," and "service"; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 969—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; amending chapter 2001-316, Laws of Florida, to provide that the act does not preclude the City of Daytona Beach from subleasing submerged lands underlying the historic pier; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 969** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 987—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 999—A bill to be entitled An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 999** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery

Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1045** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1047—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1047** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1053** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1077—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1077** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1079—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1079** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 1153—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1153** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is $500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1167** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Clary	Hill	Pruitt
Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—None

HB 1183—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1183** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1203—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for annexation of specified area; transferring land from the Lake Worth Drainage District to the Acme Improvement District; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 1203** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 1243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1245** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dockery	Miller
Argenziano	Fasano	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Rich
Bullard	Hill	Saunders
Campbell	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Wilson
Diaz de la Portilla	Margolis	Wise

Nays—3

Baker	Carlton	Webster

HB 1253—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; amending chapter 2004-464, Laws of Florida; renaming the authority as the Jacksonville Aviation Authority; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 1253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Clary	Hill	Pruitt
Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—None

Consideration of **HB 1291** was deferred.

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 1309** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1321—A bill to be entitled An act relating to the Dorcas Fire District, Okaloosa County; codifying the district's ordinances; providing intent; re-creating and providing a charter for the district; providing district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1321** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1329—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to membership of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1335** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1355** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1359** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1361** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1381—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1381** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1419—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; naming the commissioners thereof and providing for election of their successors; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1419** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1421—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for fines for introducing pollutants into the waters of the district; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1429** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1433—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1477** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (224188)—On lines 1128 and 1129, delete those lines and insert: *therefrom shall be expended, the rate or rates of interest which may not exceed the rate allowed by general law, the denomination of the bonds,*

On motion by Senator Campbell, by two-thirds vote **HB 1479** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida,; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1515** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments,

boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1537** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1555** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1657** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1677—A bill to be entitled An act relating to the Avalon Beach-Mulat Fire Protection District, Santa Rosa County; codifying, amending, reenacting, and repealing the special acts pertaining to the Avalon Beach-Mulat Fire Protection District; providing definitions; requiring the board to make annual reports; repealing chapters 80-608, 82-378, 82-379, and 91-392, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1677** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1685** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 1705—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 1705** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1707** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1793** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1829** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of

taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 225—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing for a referendum; providing, subject to referendum approval, for the board of directors to be elected; providing effective dates.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—which was previously considered May 4 with pending **Amendment 1 (245870)** by Senator Dockery and **Amendment 1a (480528)** by Senator Dockery.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senators Campbell, Smith and Dockery offered the following substitute for amendment to **Amendment 1A** which was moved by Senator Campbell and adopted by two-thirds vote:

Amendment 1B (090914)—On page 1, line 25 through page 2, line 1, delete those lines and insert:

(a) "Actual notice" means notice that is given directly, in person or by telephone, to a parent or legal guardian of a minor, by a physician, at least 48 hours before the inducement or performance of a termination of pregnancy, and documented in the minor's files.

(b) "Child abuse" has the same meaning as s. 39.0015(3).

(c) "Constructive notice" means notice that is given in writing, signed by the physician, and mailed at least 72 hours before the inducement or performance of the termination of pregnancy, to the last known address of the parent or legal guardian of the minor, by certified mail, return receipt requested, and delivery restricted to the parent or legal guardian. After the 72 hours have passed, delivery is deemed to have occurred .

Senator Dockery moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (435316)(with title amendment)—On page 2, lines 13-25, delete those lines and insert:

(a) Actual notice shall be provided by the physician performing or inducing the termination of pregnancy before the performance or inducement of the termination of the pregnancy of a minor. The notice may be given by a referring physician. The physician who performs or induces the termination of pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort has been made, the physician performing or inducing the termination of pregnancy or the referring physician must give constructive notice. Notice given under this subsection by the physician performing or inducing the termination of pregnancy must include the name and address of the facility providing the termination of pregnancy, the name of the physician providing notice. Notice given under this subsection by a referring physician must include the name and address of the facility where he or she is referring the minor and the name of the physician providing notice. If actual notice is provided by telephone, the physician must actually speak with the parent or guardian, and must record in the minor's medical file the name of the parent or guardian provided notice, the phone number dialed, and the date and time of the call. If constructive notice is given, the physician must document that notice by placing copies of any document related to the constructive notice, including, but not limited to, a copy of the letter and the return receipt, in the minor's medical file.

And the title is amended as follows:

On page 6, delete line 22 and insert: requiring certain information to be recorded in the medical file of the minor; providing exceptions to the notice requirements; prescribing a procedure

Senator Dockery moved the following amendment to **Amendment 1**:

Amendment 1D (674990)—On page 3, delete line 14 and insert:

(a) A minor may petition any circuit court in the judicial circuit in which she resides for a

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following substitute for amendment to **Amendment 1D** which was adopted by two-thirds vote:

Amendment 1E (303116)—On page 3, delete line 14 and insert:

(a) A minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court of Appeal in which she resides for a

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1F (083178)—On page 5, lines 19-24, delete those lines and insert: *consistent with this act. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the minor's confidentiality and the confidentiality of the proceedings.*

MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senator Dawson moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1G (910976)(with title amendment)—On page 5, after line 31, insert: *(7) No provision in this section may be superseded by a rule or action of the executive branch, including but not limited to any state executive agency.*

And the title is amended as follows:

On page 7, line 5, after the semicolon (;) insert: prohibiting executive actions in contravention of s. 390.01114, F.S.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Dockery, **HB 1659** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Atwater	Fasano	Posey
Baker	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	King	Villalobos
Constantine	Klein	Webster
Crist	Lawson	Wise

Nays—3

Margolis	Rich	Wilson

Vote after roll call:

Yea to Nay—Dawson

RECONSIDERATION OF BILL

On motion by Senator Argenziano, the Senate reconsidered the vote by which—

HB 315—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.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Argenziano, the rules were waived and the Senate reconsidered the vote by which **Amendment 3** and **Amendment 3A** were adopted. **Amendment 3A** was withdrawn.

Senator Bennett moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3B (881062)—On page 6, line 31 through page 7, line 2, delete those lines and insert:

(8) ENFORCEMENT OF VIOLATIONS.—Subject to the exceptions set forth in s. 501.212, a violation of this section may constitute a deceptive and unfair trade practice, which may be remedied as provided in part II of this chapter.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3C (870468)—On page 10, lines 20-22, delete those lines and insert:

(7) ENFORCEMENT OF VIOLATIONS.—Subject to the exceptions set forth in s. 501.212, a violation of this section may constitute a deceptive and unfair trade practice, which may be remedied as provided in part II of this chapter.

Amendment 3 as amended was adopted by two-thirds vote.

On motion by Senator Argenziano, **HB 315** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

HB 1717—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 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 severability; providing an effective date.

—which was previously considered this day. Pending **Amendment 2 (702180)** by Senator Argenziano was adopted by two-thirds vote.

On motion by Senator Smith, by two-thirds vote **HB 1717** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1697—A bill to be entitled An act relating to motor vehicles; amending s. 61.13016, F.S.; revising provisions for suspension of the driver's license of certain support obligors who are delinquent in payment; providing for set-aside of the suspension upon a showing of good cause; defining "good cause"; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; defining the term "two-rider ATV"; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.074, F.S.; requiring hearing for violations of traffic control devices resulting in a crash; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; prohibiting driving through a railroad-highway grade crossing that does not have sufficient space or clearance; providing a penalty; creating s. 316.1577, F.S.; prohibiting employer from allowing, requiring, permitting, or authorizing certain violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.2095, F.S.; revising equipment requirements for operating motorcycles; providing penalties; amending s. 316.212, F.S.; authorizing local governments to enact more restrictive golf cart equipment and operation regulations; requiring public notification; providing for enforcement jurisdiction; providing penalties; amending s. 316.2126, F.S.; providing for application of local golf cart equipment and operation regulations to golf cart and utility vehicle use by municipalities; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.3045, F.S.; revising restrictions on the operation of radios or other soundmaking devices in motor vehicles; providing penalties; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver

education programs in schools; requiring that funds be used for enhancement of driver education program funds; providing program requirements; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing that certain citation procedures and proceedings apply to persons who do not hold a commercial driver's license; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; requiring audit of certain funds; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.02, F.S.; authorizing the department to withhold motor vehicle registration or renewal of registration when notified by a dealer of unpaid registration and titling fees; requiring the motor vehicle dealer to maintain certain signed evidence and information; providing for dispute of dealer's claim of unpaid fees; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.08058, F.S.; revising distribution and authorized uses of revenues from the United We Stand and Animal Friend specialty license plates; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.089, F.S.; allowing retired members of the United States Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; authorizing the department to adopt rules; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing for denial, suspension, or revocation of a motor vehicle dealer's license for failure to maintain evidence of notification to the owner or coowner of a vehicle regarding unpaid registration and titling fees; providing certain penalties; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents are acceptable as proof of nonimmigrant classification; removing prescribed purpose of funds collected from a voluntary contribution option on driver's license applications associated with hearing research; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing maximum fee amount; authorizing the department to adopt rules; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to notice and review procedures for administrative suspension of driver's licenses; revising notice information; clarifying review procedures; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; assigning point value for a conviction of specified violations of a traffic control device or traffic control signal device resulting in a crash; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; removing certain license restriction requirements; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 338.155, F.S.; exempting from payment of toll any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 768.28, F.S.; providing that certain medical professionals volunteering for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; revising penalties; providing effective dates.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (950742)** was adopted on May 4.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senators Webster and King offered the following amendment to **Amendment 1** which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1B (465312)—On page 11, line 10, after the period (.) insert: *An ordinance referred to in this section must apply only to an unlicensed driver.*

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Sebesta moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (765394)(with title amendment)—On page 109, line 8 through page 113, line 31, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 133, lines 8-12, delete those lines

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **HB 1697** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

SB 1820—A bill to be entitled An act relating to golf cart regulations; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road located within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senators Webster and King offered the following amendment which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1 (124618)—On page 4, line 9, after the period (.) insert: *An ordinance referred to in this section must apply only to an unlicensed driver.*

On motion by Senator Klein, **SB 1820** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Clary	Hill	Pruitt
Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—None

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.; 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 appropriation and authorizing full-time equivalent positions; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 1231** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

RECESS

On motion by Senator Pruitt, the Senate recessed at 2:38 p.m. to reconvene at 3:08 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 4:02 p.m. A quorum present—40:

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla

Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Conference Committee on Growth Management was granted permission to meet this day from 5:00 p.m. until completion to consider **CS for CS for CS for SB 360** .

MOTION

On motion by Senator Pruitt, the rules were waived to allow the Conference Committee Report on **CS for CS for CS for SB 360** to be considered two hours after copies are made avaiable.

BILLS ON THIRD READING, continued

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a limited time; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; authorizing the Justice Administrative Commission to review certain records; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; excluding unincorporated areas of certain consolidated governments from the term "municipality" for purposes of sharing with the clerk certain fines from local ordinance violations; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the

Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; restricting the use of surcharge proceeds; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain consolidated governments; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; restricting the use of surcharge proceeds; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendments to be considered:

Senator Smith moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (345500)—On page 15, lines 22-25, delete those lines and insert: ~~of each registry~~. *From October 1, 2005, through September 30, 2007, the report submitted by the Eleventh Judicial Circuit shall include the race, gender, and national origin of all attorneys listed in and appointed under the registry.*

Amendment 2 (561042)—On page 14, lines 11-14, delete those lines and insert: practice, by county and by category of cases. *From October 1, 2005, through September 30, 2007, the list of attorneys compiled by the Eleventh Judicial Circuit shall provide the race, gender, and national origin of assigned attorneys.* To be

Amendment 3 (343134)(with title amendment)—On page 19, lines 23-28, delete those lines.

And the title is amended as follows:

On page 1, line 29 through page 2, line 3, delete those lines and insert: due-process representation; amending s. 27.52, F.S.,

Amendment 4 (801120)(with title amendment)—On page 20, line 3, after the period (.) insert:

From October 1, 2005, through September 30, 2007, the Justice Administrative Commission shall also track and issue a report on the race, gender, and national origin of private court-appointed counsel for the Eleventh Judicial Circuit.

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit;

Amendment 5 (325718)—On page 24, line 23, after "*counsel*" insert: *in an amount that exceeds the limitations in s. 27.5304*

Amendment 6 (563218)—On page 28, line 8, delete "(4),"

Amendment 7 (223474)—On page 29, line 28, after the period (.) insert:

The attorney shall have the burden to prove the entitlement to attorney's fees, costs, or related expenses.

Amendment 8 (413948)—On page 30, line 17, delete "*(7) and (8)*" and insert: *(7), (8), and (10)*

Amendment 9 (975720)(with title amendment)—On page 30, line 29 through page 31, line 2, delete those lines

And the title is amended as follows:

On page 2, line 31 through page 3, line 4, delete those lines and insert: such hearings telephonically; providing that private court-appointed

Amendment 10 (472834)(with title amendment)—On page 38, lines 20-28, delete those lines and insert: records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records*, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records*. The clerk

And the title is amended as follows:

On page 3, lines 26-28, delete those lines and insert: certain dates; providing an exception to the designation of the clerk of court as custodian of official records; amending s.

Amendment 11 (793118)(with title amendment)—On page 44, line 14 through page 45, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 19-22, delete those lines and insert: circuit court;

Amendment 12 (895106)—On page 99, lines 9-11, delete those lines and insert: *defendant or the state upon its own motion. If the defense or the state retains an*

Amendment 13 (332048)—On page 100, lines 1 and 2, delete those lines and insert: *shall be paid by the Justice Administrative Commission.*

Amendment 14 (894740)—On page 110, lines 18-31, delete those lines and redesignate subsequent sections.

Amendment 15 (372508)(with title amendment)—On page 82, between lines 23 and 24, insert:

Section 44. Effective July 1, 2006, subsection (3) of section 218.245, Florida Statutes, is amended to read:

218.245 Revenue sharing; apportionment.—

(3) Revenues attributed to the increase in distribution to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in chapter 2003-402, Laws of Florida, shall be distributed to each eligible municipality and any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968 revised constitution, as follows: each eligible local government's allocation shall be based on the amount it received from the half-cent sales tax under s. 218.61 in the prior state fiscal year divided by the total receipts under s. 218.61 in the prior state fiscal year for all eligible local governments *; provided, however, for the purpose of calculating this distribution, the amount received from the half-cent sales tax under s. 218.61 in the prior state fiscal year by a unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as amended, and as preserved by s. 6(e), Art. VIII, of the Constitution as revised in 1968, shall be reduced by 50 percent for such local government and for the total receipts*. For eligible municipalities that began participating in the allocation of half-cent sales tax under s. 218.61 in the previous state fiscal year, their annual receipts shall be calculated by dividing their actual receipts by the number of months they participated, and the result multiplied by 12.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 22, after the semicolon (;) insert: amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments;

Amendment 16 (580926)(with title amendment)—On page 46, line 19 through page 47, line 15, delete those lines and insert:

(6) The Legislative Budget Commission may approve increases to the maximum annual budgets approved for individual clerks of the court pursuant to s. 28.36 for court related duties, if either of the following conditions exist:

(a) The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.

(b) The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues; evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs; and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.

The total amount of increases approved by the Legislative Budget Commission for each county fiscal year shall not exceed an amount equal to 2 percent of the maximum annual budgets approved pursuant to s. 28.36 for all clerks, in the aggregate, for that same county fiscal year.

And the title is amended as follows:

On page 5, lines 1-4, delete those lines and insert: of Court Trust Fund; authorizing the Legislative Budget Commission to adjust the maximum annual budgets of the clerk of courts under certain circumstances; limiting such increases to 2 percent of the total amount of all clerk budgets; amending s. 28.37, F.S.;

Amendment 17 (552898)(with title amendment)—On page 98, lines 11-14, delete those lines and insert:

Section 58. Section 903.286, Florida Statutes, is created to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, and court costs.—Notwithstanding the provisions of s. 903.31(2), the clerk of the court shall withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent licensed pursuant to chapter 648 sufficient funds to pay any unpaid court fees, court costs, and criminal penalties. In the event that sufficient funds are not available to pay all unpaid court fees, court costs, and criminal

penalties, the clerk of the court shall immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246. (Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 30 through page 12, line 2, delete those lines and insert: arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees, court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; providing

On motion by Senator Smith, further consideration of **CS for CS for SB 2542** as amended was deferred.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Constantine—

CS for SB 2070—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; amending s. 202.11, F.S.; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendments to be considered:

Senators Constantine, Pruitt and Carlton offered the following amendments which were moved by Senator Constantine and adopted:

Amendment 1 (403570)(with title amendment)—On page 2, line 10 through page 3, line 20, delete those lines and insert:

Section 2. *(1) The Communications Service Tax Task Force is created and housed for administrative purposes within the Department of Revenue. The task force shall operate independently of the department.*

(2)(a) The task force 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. Members shall serve at the pleasure of the appointing official. Any vacancy shall be filled in the same manner as the original appointment.

(b) All members shall possess expertise in state or national telecommunications policy, taxation, law, or technology. A member of the Legislature or a registered lobbyist may not be appointed to the task force.

(c) Members shall serve without compensation, but are entitled to reimbursement of travel and per diem expenses pursuant to section 112.061, Florida Statutes, relating to completing their duties and responsibilities under this section.

(3) The task force shall study:

(a) The national and state regulatory and tax policies relating to the communications industry, including the Internet Tax Freedom Act;

(b) The levels of tax revenue that have been generated by the communications services taxes imposed or administered pursuant to chapter 202, Florida Statutes, in the past and that are expected to be generated in the future, and their adequacy in funding government services and bonded indebtedness that rely on them;

(c) The impact of the communications services taxes on Florida's competitiveness;

(d) The impact of the diversity of communications technology and of changes in such technology on the state's ability to design tax laws, the applicability of which is reasonably clear to communications service providers and state administrators, and which are susceptible to efficient and fair administration by the state;

(e) The administrative burdens imposed on communications services providers; and

(f) To the extent that future revenues from the communications services tax are expected to be inadequate to fund government services and bonded indebtedness that rely on them, the options that are available for funding these services and bonded indebtedness.

(4) The task force shall hold its organizational meeting by July 15, 2006. It shall select a chair and vice chair and shall meet at the call of the chair at the time and place designated by the chair or as often as necessary to accomplish the purposes of this section. A quorum is necessary for the purpose of conducting official business of the task force. The task force shall use accepted rules of procedure to conduct its meetings and shall keep a complete record of each meeting.

(5) The Public Service Commission shall provide staff for the technical and regulatory issues addressed by the task force. The Department of Revenue shall provide administrative support and staff for the tax issues addressed by the task force.

(6) The task force shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2007. The task force shall be dissolved by December 31, 2007.

Section 3. *(1) The sum of $100,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of defraying the reimbursable travel and per diem expenses of the Communications Service Tax Task Force.*

(2) The sum of $500,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of retaining expert witnesses and consultant services in the areas of communications technology and computer telephony. The purpose of such services is to provide the Communications Service Tax Task Force with information, technical consulting services, analysis, and testimony regarding the current and future development of network and telecommunications architecture, products, and services and issues regarding the taxation of such products and services. These funds shall be appropriated for the 2005-2006 fiscal year in categories determined by the Department of Revenue which will best support the needs of the task force. Any unspent funds shall be reappropriated in future fiscal years until the work of the task force is complete.

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: providing appropriations;

Amendment 2 (213594)(with title amendment)—On page 3, line 21 through page 5, line 24, delete those lines and insert:

Section 3. Subsections (3), (14), and (15) of section 202.11, Florida Statutes, are amended to read:

202.11 Definitions.—As used in this chapter:

(3) "Communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. *The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added.* The term does not include:

(a) Information services.

(b) Installation or maintenance of wiring or equipment on a customer's premises.

(c) The sale or rental of tangible personal property.

(d) The sale of advertising, including, but not limited to, directory advertising.

(e) Bad check charges.

(f) Late payment charges.

(g) Billing and collection services.

(h) Internet access service, electronic mail service, electronic bulletin board service, or similar on-line computer services.

(14) "Sales price" means the total amount charged in money or other consideration by a dealer for the sale of the right or privilege of using communications services in this state, including any property or other services that are part of the sale. The sales price of communications services shall not be reduced by any separately identified components of the charge that constitute expenses of the dealer, including, but not limited to, sales taxes on goods or services purchased by the dealer, property taxes, taxes measured by net income, and universal-service fund fees.

(a) The sales price of communications services shall include, whether or not separately stated, charges for any of the following:

1. The connection, movement, change, or termination of communications services.

2. The detailed billing of communications services.

3. The sale of directory listings in connection with a communications service.

4. Central office and custom calling features.

5. Voice mail and other messaging service.

6. Directory assistance.

7. The service of sending or receiving a document commonly referred to as a facsimile or "fax," except when performed during the course of providing professional or advertising services.

(b) The sales price of communications services does not include charges for any of the following:

1. Any excise tax, sales tax, or similar tax levied by the United States or any state or local government on the purchase, sale, use, or consumption of any communications service, including, but not limited to, any tax imposed under this chapter or chapter 203 which is permitted or required to be added to the sales price of such service, if the tax is stated separately.

2. Any fee or assessment levied by the United States or any state or local government, including, but not limited to, regulatory fees and emergency telephone surcharges, which is required to be added to the price of such service if the fee or assessment is separately stated.

3. Communications services paid for by inserting coins into coin-operated communications devices available to the public.

4. The sale or recharge of a prepaid calling arrangement.

5. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft.

6. A dealer's internal use of communications services in connection with its business of providing communications services.

7. Charges for property or other services that are not part of the sale of communications services, if such charges are stated separately from the charges for communications services.

8. To the extent required by federal law, charges for Internet access services which are not separately itemized on a customer's bill, but which can be reasonably identified from the selling dealer's books and records kept in the regular course of business. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state.

(15) "Service address" means:

(a) Except as otherwise provided in this section:~~,~~

1. The location of the communications equipment from which communications services originate or at which communications services are received by the customer;~~.~~

2. In the case of a communications service paid through a credit or payment mechanism that does not relate to a service address, such as a bank, travel, debit, or credit card, and in the case of third-number and calling-card calls, the *term "service address" means* ~~service address is~~ the address of the central office, as determined by the area code and the first three digits of the seven-digit originating telephone number*; or*~~.~~

3. If the location of the equipment described in subparagraph 1. is not known and subparagraph 2. is inapplicable, the term "service address" means the location of the customer's primary use of the communications service. For purposes of this subparagraph, the location of the customer's primary use of a communications service is the residential street address or the business street address of the customer.

(b) In the case of cable services and direct-to-home satellite services, the location where the customer receives the services in this state.

(c) In the case of mobile communications services, the customer's place of primary use.

And the title is amended as follows:

On page 1, lines 12-15, delete those lines, and insert: redefining the term "communications services"; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; defining the term "service address" when the location of the equipment is unknown or under other circumstances; amending s. 202.26, F.S.;

Amendment 3 (311220)—On page 6, line 21 through page 7, line 27, delete those lines and insert:

(j) The types of books and records kept in the regular course of business which must be available during an audit of a dealer's books and records when the dealer has made an allocation or attribution pursuant to the definition of sales prices in s. 202.11(14)(b)8. and examples of methods for determining the reasonableness thereof. Books and records kept in the regular course of business include, but are not limited to, general ledgers, price lists, cost records, customer billings, billing system reports, tariffs, and other regulatory filings and rules of regulatory authorities. Such records may be required to be made available to the department in an electronic format when so kept by the dealer. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state. During an audit, the department may reasonably require production of any additional books and records found necessary to assist in its determination.

Amendment 4 (715946)—On page 9, line 2, after the period (.) insert: *The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state.*

Amendment 5 (422006)(with title amendment)—On page 9, line 20 through page 11, line 2, delete those lines and insert: *prescribe by rule the books and records that must be made available during an audit of the dealer's books and records and examples of methods for determining the reasonableness thereof. Books and records kept in the regular course of business include, but are not limited to, general ledgers, price lists, cost records, customer billings, billing system reports, tariffs, and other regulatory filings and rules of regulatory authorities. Such record may be required to be made available to the department in an electronic format when so kept by the dealer. The dealer may support the allocation*

of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state. During an audit, the department may reasonably require production of any additional books and records found necessary to assist in its determination.

Section 7. *The Executive Director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under sections 120.563(1) and 120.54(4), Florida Statutes, to administer this act. Notwithstanding any other provision of law, the emergency rules shall remain effective for 6 months after the date of their adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

Section 8. Subsection (8) is added to section 202.17, Florida Statutes, to read:

202.17 Registration.—

(8) It is the intent of the Legislature to subject to the provisions of this chapter all sellers of communications services that have established a sufficient connection with this state to permit the state constitutionally to require compliance with this chapter. Activities of a seller of communications services that may subject such a seller to the provisions of this chapter include, but are not limited to:

(a) Maintaining an office or other place of business within this state.

(b) Solicitation of business from one or more Florida locations through employees, agents, independent contractors, or other representatives of such seller.

Section 9. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: providing for emergency rulemaking by the Department of Revenue; amending s. 202.17, F.S.; providing intent that all sellers of communications services must comply with ch. 202, F.S.;

Pursuant to Rule 4.19, **CS for SB 2070** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 2480—A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.03, F.S.; revising dates for implementation of class size maximums; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; providing implementation options; providing for accountability and for transfer of funds in certain circumstances; providing for the department redrawing attendance zones in certain circumstances; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Council for Education Policy Research and Improvement to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition

of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; providing a methodology to calculate full-time equivalent student membership of the Florida Virtual School; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund; providing a minimum instructional personnel salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum instructional personnel pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for certain instructional personnel; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the Council for Education Policy Research and Improvement to evaluate the benefits and effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; 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; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing contingent effective dates.

—was read the second time by title.

SENATOR CLARY PRESIDING

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2480** to **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)**.

Pending further consideration of **CS for CS for SB 2480** as amended, on motion by Senator Lynn, by two-thirds vote **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Lynn, the rules were waived and—

HCB 6007 (for HB's 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. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; 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.

—a companion measure, was substituted for **CS for CS for SB 2480** as amended and read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment:

Amendment 1 (074810)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels. *The board shall periodically review the standards to ensure adequate rigor, logical pupil progression, and articulation from grade to grade, and shall evaluate the extent to which the standards are being taught at each grade level.*

Section 2. Section 1001.215, Florida Statutes, is created to read:

1001.215 Just Read, Florida! Office.—There is created within the Department of Education the Just Read, Florida! Office. The office shall:

(1) Train professionally certified teachers to become certified reading coaches.

(2) Train K-12 teachers, school principals, and parents on research-based strategies for reading instruction.

(3) Provide technical assistance to districts in the development and implementation of, and annually review and approve district plans for use of, the Research-based Reading Instruction Allocation pursuant to s. 1011.62(9).

(4) Work with the Florida Center for Reading Research created under s. 1004.64 to provide information on research-based reading programs.

(5) Periodically review the Sunshine State Standards for reading at all grade levels.

(6) Periodically review the teacher certification examinations to ensure that they reflect proficiency in research-based strategies for reading instruction.

(7) Work with teacher preparation programs approved under s. 1004.04 to ensure the integration of research-based strategies for reading instruction into teacher preparation programs.

(8) Administer grants and perform other functions necessary to assist with meeting the goal that all students are reading on grade level.

Section 3. Subsection (16) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan. Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

(b) Improvement plan requirements.—Each district school board's system of school improvement and student progression must be designed to provide frequent and accurate information to the teacher and student regarding each student's progress toward mastering the Sunshine State Standards. The system must demonstrate the alignment of the Sunshine State Standards, instructional strategies, assessment, and professional development. Each school's school improvement plan must identify the strategies for monitoring the progress of each student. The process used by each school to monitor student progression must, at a minimum, contain the following components that are aimed at increasing student achievement:

1. Disaggregated student achievement data related to student performance which are used to identify each individual student's strengths and weaknesses and to determine the effectiveness of the teaching and learning strategies that are being used in the classroom;

2. The Sunshine State Standards instructional calendar and timeline, using disaggregated student performance data to focus instruction on the Sunshine State Standards, manage instructional time, and allocate resources;

3. Prioritized instructional focus to facilitate explicit and systematic instruction using research-based effective practices in the classroom;

4. Mini-assessments of targeted Sunshine State Standards benchmarks to monitor students' progress and generate data to redesign instruction, if needed;

5. Alternative in-school, tutorial, remediation, or enrichment strategies for students which are based on each student's individual academic needs as defined by the mini-assessments; and

6. Systematic monitoring of each teacher's implementation of the comprehensive program for student progression as described in subparagraphs 1.-5.

(c)~~(b)~~ Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(d)~~(c)~~ Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. Provide assistance and intervention to a school that is identified as being in performance grade category "D" pursuant to s. 1008.34 and is in danger of failing.

3. Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

4. Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a performance grade category designation of "D" or "F."

(e)~~(d)~~ After 2 years.—Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.

(f)~~(e)~~ Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

(g)~~(f)~~ School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

Section 4. *Each school district must observe November 11 of each year as the Veterans' Day holiday. Classes may not be held on such holiday*

for any reason except for a declared state emergency. If November 11 falls on a Saturday or Sunday, a school holiday shall be observed on a weekday immediately following or preceding that weekend so as to correspond with the date that Veterans' Day is observed as a federal holiday.

Section 5. Section 1002.421, Florida Statutes, is created to read:

1002.421 Rights and obligations of private schools participating in state school choice scholarship programs.—The requirements imposed under this section on private schools that participate in state school choice scholarship programs are in addition to the requirements for private schools which are outlined in s. 1002.42, specific requirements under laws relating to various scholarship programs, and other laws of this state which apply to private schools.

(1) A private school in this state which participates in the Corporate Tax Credit Scholarship Program, as defined in s. 220.187, or in an educational scholarship program established under chapter 1002 must comply with all requirements of this section.

(2) A private school participating in a scholarship program in this state:

(a) Must be a Florida private school as defined in s. 1002.01(2).

(b) Must comply with all state laws pertaining to private schools.

(c) Must be a registered Florida private school in accordance with s. 1002.42.

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

(e) May not be a correspondence school or distance learning school.

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

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

(h) May not be a private tutoring program as described in s. 1002.43.

(i) Must comply with the anti-discrimination provisions of 42 U.S.C. s. 2000d.

(j) Must notify the department of its intent to participate in a scholarship program.

(k) Must notify the department of any change in the school's name, school director, mailing address, or physical location within 15 days after the change occurs.

(l) Must complete student-enrollment and attendance-verification requirements, including an on-line attendance-verification form, before a scholarship payment is made.

(m) Must annually complete and submit to the department a notarized scholarship compliance statement certifying compliance with state laws relating to the participation of private schools in the scholarship program.

(n) Must demonstrate fiscal soundness and accountability by:

1. Having been in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department.

2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school. The school may not act as the attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by the parents, or under any other authority, to endorse scholarship warrants on behalf of parents.

(o) Must meet applicable state and local laws, codes, and rules relating to health, safety, and welfare, including those relating to firesafety and building safety.

(p) Must employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have at least a high school diploma and special skills, knowledge, or expertise that qualifies them to provide instruction in the subjects that are being taught.

(q) Annually administer or make provisions for scholarship students to take one of the nationally norm-referenced tests identified by the State Board of Education under s. 1002.423. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. However, a private school must require each student with a disability, for whom standardized testing is not appropriate, to participate at least annually in a student assessment which, as determined by the private school in consultation with the student's parent, will demonstrate the student's skill level to the student's parent. A private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education under s. 1002.423.

(r) Must ensure that each individual who has unsupervised access to a scholarship student for whom the private school is responsible, prior to employment, engagement of services, or appointment, undergo background screening under s. 435.04 by filing with the Department of Education a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school who is trained to take fingerprints. However, the complete set of fingerprints for an owner of an eligible private school must be taken by an authorized law enforcement agency. These fingerprints must be submitted to the Department of Law Enforcement for state processing, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Education shall screen the background results and report to the private school any person described in this paragraph who fails to meet level 2 screening standards under s. 435.04. Any individual described in this paragraph who fails the level 2 background screening under s. 435.04 may not have unsupervised access to a scholarship student. For purposes of this paragraph:

1. The cost of the fingerprinting and the background check shall not be borne by the state.

2. A private school that allows an individual to have unsupervised access to a scholarship student who failed the level 2 background screening under s. 435.04 is ineligible to participate in the scholarship program.

3. An individual holding a valid teaching certificate in this state who has been fingerprinted pursuant to s. 1012.32 need not comply with this paragraph.

(3) The inability of a private school to meet the requirements of this section constitutes a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department.

(4)(a) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(b) The inclusion of eligible private schools in the options available to public school students in this state does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulations upon private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 6. Section 1002.423, Florida Statutes, is created to read:

1002.423 Department of Education; obligations for state school choice scholarship programs.—The requirements imposed under this section apply to all state choice scholarship programs, including the Corporate Tax Credit Scholarship Program, as defined in s. 220.187, or an educational scholarship program established under this chapter.

(a) The Department of Education must identify all nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT).

(b) The Department of Education must select an independent private research organization to which each participating private school must report the scores of participating students on the nationally norm-referenced tests administered by the private school. The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent private research organization must analyze and

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

Section 7. Subsection (3) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.—

(3) Dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools shall be given first preference for admission to such programs even if the program is being offered through a public school other than the school to which the student would generally be assigned ~~and the school at which the program is being offered has reached its maximum enrollment~~. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent ~~or guardian~~ of the student must assume responsibility for transporting the student to that school. For purposes of this subsection, special academic programs include ~~charter schools,~~ magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

Section 8. Section 1003.413, Florida Statutes, is created to read:

1003.413 High school reform.—

(1) This section may be cited as the "High School Reform Act."

(2) Beginning with the 2005-2006 school year, each school district shall establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workforce. The policies must address:

(a) Intensive reading remediation for students in grades 9 through 12 scoring below Level 3 on FCAT Reading.

(b) Credit recovery options and course scheduling designed to allow high school students to earn credit for failed courses so that they are able to graduate on time.

(c) Immediate and frequent notification to parents of students who are in danger of not graduating from high school.

(d) Placement in alternative programs, such as programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.

(e) Summer reading institutes for rising ninth graders scoring below Level 3 on FCAT Reading.

A student's participation in an instructional or remediation program prior to or immediately following entering grade 9 for the first time shall not affect that student's classification as a first-time ninth grader for reporting purposes, including calculation of graduation and dropout rates.

Section 9. *High School Reform Task Force.—*

(1) There is created the High School Reform Task Force. The task force shall work in conjunction with the Southern Regional Education Board and shall be administratively supported by the office of the Chancellor for K-12 Public Schools in the Department of Education and the Just Read, Florida! Office. Appointments to the task force shall be coordinated to ensure that the membership reflects the geographic and cultural diversity of Florida's school age population. The task force shall be abolished upon submission of its report.

(2)(a) The Commissioner of Education shall appoint members of the task force from the following categories and shall appoint the chair of the task force from its membership.

1. Two district school superintendents, one who is from a large urban school district and one who is from a small, rural school district.

2. One school board member who is from a medium size school district.

3. Three public school principals, one from a large high performing high school, one from a vocational technical high school, and one from a lower performing high school.

4. Three public high school teachers, one who is an experienced reading teacher, one who is from a school graded "F," and one who is from a high performing school.

5. Three parents of public high school students who represent the demographic, racial, and ethnic diversity of the state.

6. Three public high school students who represent the demographic, racial and ethnic diversity of the state.

7. One representative of the business community.

8. One administrator from a charter high school serving students who are at risk of dropping out of school.

9. One expert on the subject of high school reform who does not otherwise fall inside one of the enumerated categories.

(b) The President of the Senate shall appoint one member of the Senate to serve on the task force and the Speaker of the House of Representatives shall appoint one member of the House of Representatives to serve on the task force.

(3) Not later than January 1, 2006, the task force shall vote on the final report incorporating recommendations and a long-term plan for high school reform.

(4) Not later than February 1, 2006, the task force shall recommend to the Governor, the President of the Senate, and the Speaker of the House of Representatives a long-term plan for revisions to statutes, rules, and policies that will improve Florida's grade 9 retention rate, graduation rate, dropout rate, and college remediation rate, and align high school requirements with the needs of Florida's employers and postsecondary educational institution requirements. The plan must address, but is not limited to addressing: graduation requirements; course redesign; remediation strategies; credit recovery; use of alternative programs including programs emphasizing applied integrated curricula, small learning communities, support services, or increased discipline; the use of technology; adjustments to the school grading system to reflect learning gains by high school students; middle school systemic alignment; transition from middle school to high school; alignment with postsecondary and workforce education requirements; and alignment with employer expectations.

Section 10. Subsection (6) of section 1003.415, Florida Statutes, is repealed, and subsection (2), paragraph (a) of subsection (5), and paragraph (a) of present subsection (7) of that section are amended, to read:

1003.415 The Middle Grades Reform Act.—

(2) PURPOSE AND INTENT.—

(a) The purpose of this section is to provide added focus and rigor to academics in the middle grades. Using reading as the foundation, all middle grade students should receive rigorous academic instruction through challenging curricula delivered by highly qualified teachers in schools with outstanding leadership, which schools are supported by engaged and informed parents.

(b) It is the intent of the Legislature that students promoted from the eighth grade will be ready for success in high school *and that the mission*

of the middle grades is to prepare students for the successful completion of rigorous courses in high school.

(5) RIGOROUS READING REQUIREMENT.—

(a) ~~Beginning with the 2004-2005 school year,~~ Each public school serving middle grade students, including charter schools, with fewer than 75 percent of its students reading at or above grade level in grade 6, grade 7, or grade 8 as measured by a student scoring at Level 3 or above on the FCAT during the prior school year, must incorporate by October 1 a rigorous reading requirement for reading and language arts programs as the primary component of its school improvement plan. The department shall annually provide to each district school board by June 30 a list of its schools that are required to incorporate a rigorous reading requirement as the primary component of the school's improvement plan. The department shall provide technical assistance to school districts and school administrators required to implement the rigorous reading requirement.

~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE OF STUDENTS AND SCHOOLS.—~~

~~(a) The department shall conduct a study on how the overall academic performance of middle grade students and schools can be improved. The department must consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, and key education stakeholders, including district school board members, district school superintendents, principals, parents, teachers, district supervisors of curriculum, and students across the state, in the development of its findings and recommendations. The department shall review, at a minimum, each of the following elements:~~

~~1. Academic expectations, which include, but are not limited to:~~

~~a. Alignment of middle school expectations with elementary and high school graduation requirements.~~

~~b. Best practices to improve reading and language arts courses based on research-based programs for middle school students in alignment with the Sunshine State Standards.~~

~~c. Strategies that focus on improving academic success for low-performing students.~~

~~d. Rigor of curricula and courses.~~

~~e. Instructional materials.~~

~~f. Course enrollment by middle school students.~~

~~g. Student support services.~~

~~h. Measurement and reporting of student achievement.~~

~~2. Attendance policies and student mobility issues.~~

~~3. Teacher quality, which includes, but is not limited to:~~

~~a. Preparedness of teachers to teach rigorous courses to middle school students.~~

~~b. Teacher evaluations.~~

~~c. Substitute teachers.~~

~~d. Certification and recertification requirements.~~

~~e. Staff development requirements.~~

~~f. Availability of effective staff development training.~~

~~g. Teacher recruitment and vacancy issues.~~

~~h. Federal requirements for highly qualified teachers pursuant to the No Child Left Behind Act of 2001.~~

~~4. Identification and availability of diagnostic testing.~~

~~5. Availability of personnel and scheduling issues.~~

~~6. Middle school leadership and performance.~~

~~7. Parental and community involvement.~~

~~(b) By December 1, 2004, the Commissioner of Education shall submit to the President of the Senate, the Speaker of the House of Representatives, the chairs of the education committees in the Senate and the House of Representatives, and the State Board of Education recommendations to increase the academic performance of middle grade students and schools.~~

(6)~~(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.—

(a) ~~Beginning with the 2004-2005 school year,~~ Each principal of a school with a middle grade shall designate certified staff members at the school to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recently administered FCAT. The purpose of the success plan is to assist the student in meeting state and school district expectations in academic proficiency and to prepare the student for a rigorous high school curriculum. The success plan shall be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or achieves a score at Level 3 or above in reading on the FCAT, whichever occurs first. The success plan must minimize paperwork and may be incorporated into a parent/teacher conference, included as part of a progress report or report card, included as part of a general orientation at the beginning of the school year, or provided by electronic mail or other written correspondence.

Section 11. Section 1003.4155, Florida Statutes, is created to read:

1003.4155 Middle school grading system.—The grading system and interpretation of letter grades used in grades 6 through 8 shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

Section 12. Section 1003.4156, Florida Statutes, is created to read:

1003.4156 General requirements for middle school promotion.—

(1) Beginning with students entering grade 6 in the 2005-2006 school year, promotion from a middle school, grades 6 through 8, requires the successful completion of 12 academic credits, including:

(a) Three middle school or higher credits in English/language arts.

(b) Three middle school or higher credits in mathematics.

(c) Three middle school or higher credits in social studies.

(d) Three middle school or higher credits in science.

Other courses offered in middle school, including music, band, physical education, and art, shall be considered electives.

(2) In addition to the credits required under subsection (1), for each year a student scores at Level 1 or 2 on the reading portion of the FCAT, the student must be enrolled the following year in a full-year intensive reading course for which the student may earn up to three credits. The intensive reading course must be based on frameworks developed by the Florida Center for Reading Research, or a comparable course as identified by the Department of Education, which includes an emphasis on

integration of core curriculum standards and incorporation of informational and expository text.

(3) In addition to the credits required under subsection (1), for each year a student scores at Level 3 on the reading portion of the FCAT, the student must be enrolled the following year in a one-semester intensive reading course. The reading course must be based on frameworks developed by the Florida Center for Reading Research, or a comparable course as identified by the Department of Education, which includes an emphasis on integration of core curriculum standards and incorporation of informational and expository text.

(4) One full credit must entail completing a minimum of 135 hours of instruction in a designated course of study which contains standards for student performance. For schools authorized by the district school board to implement block scheduling, one full credit must entail completing a minimum of 120 hours of instruction in a designated course of study which contains standards for student performance.

(5) District school boards shall establish policies to allow alternative methods for students to earn the credits required by this section. The alternative methods must include, but are not limited to, opportunities for students to:

(a) Recover credits;

(b) Be promoted on time to high school; and

(c) Be placed in programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.

The district's policy, or amendments to the policy, shall be submitted to the State Board of Education for approval. If the State Board of Education does not take action within 60 days following receipt of the proposed policy, the policy shall stand approved.

(6) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to provide for alternative middle school promotion standards for students in grade 6, grade 7, or grade 8 who are not enrolled in a school that has a grade 6 through grade 8 middle school configuration.

Section 13. Section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(1) Each district school board shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required *that meet the highest standards for professionalism and historic accuracy*, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The *history and* content of the Declaration of Independence*, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property,* and how *they form* ~~it forms~~ the philosophical foundation of our government.

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c)~~(b)~~ The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

~~(c) The essentials of the United States Constitution and how it provides the structure of our government.~~

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g)~~(f)~~ The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(h)~~(g)~~ The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

(i)~~(h)~~ The elementary principles of agriculture.

(j)~~(i)~~ The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k)~~(j)~~ Kindness to animals.

(l)~~(k)~~ The history of the state.

(m)~~(l)~~ The conservation of natural resources.

(n)~~(m)~~ Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(o)~~(n)~~ Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p)~~(o)~~ The study of Hispanic contributions to the United States.

(q)~~(p)~~ The study of women's contributions to the United States.

(r) The nature and importance of free enterprise to the United States economy.

(s)~~(q)~~ A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature ~~and stresses such character qualities as attentiveness, patience, and initiative~~. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism*;*~~,~~ responsibility*;*~~,~~ citizenship*;*~~,~~ kindness*;*~~,~~ respect *for authority, life, liberty, and personal property;*~~,~~ honesty*; charity;*~~,~~ self-control*;*~~,~~ *racial, ethnic, and religious* tolerance*;*~~,~~ and cooperation.

(t)~~(r)~~ In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

(3) Any student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

Section 14. Subsection (15) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(15)(a) *The Department of Education shall, for students in juvenile justice education programs, develop procedures to accurately report student academic performance data and the assessment participation rates that are used to determine adequate yearly progress under Pub. L. No. 107-110. The procedures must include an opportunity for validation of the data by schools that provide educational services to students in programs of the Department of Juvenile Justice.*

(b) The Department of Education in consultation with the Department of Juvenile Justice, district school boards, and providers shall establish objective and measurable quality assurance standards for the educational component of residential and nonresidential juvenile justice facilities. These standards shall rate the district school board's performance both as a provider and contractor. The quality assurance rating for the educational component shall be disaggregated from the overall quality assurance score and reported separately.

(c)~~(b)~~ The Department of Education shall develop a comprehensive quality assurance review process and schedule for the evaluation of the educational component in juvenile justice programs. The Department of Juvenile Justice quality assurance site visit and the education quality assurance site visit shall be conducted during the same visit.

(d)~~(c)~~ The Department of Education, in consultation with district school boards and providers, shall establish minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities. If a district school board fails to meet the established minimum standards, it will be given 6 months to achieve compliance with the standards. If after 6 months, the district school board's performance is still below minimum standards, the Department of Education shall exercise sanctions as prescribed by rules adopted by the State Board of Education. If a provider, under contract with the district school board, fails to meet minimum standards, such failure shall cause the district school board to cancel the provider's contract unless the provider achieves compliance within 6 months or unless there are documented extenuating circumstances.

Section 15. Section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

(a)~~(1)~~ The district school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

(b)~~(2)~~ The district school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

(c)~~(3)~~ The district school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

(d)~~(4)~~ The district school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

(e)~~(5)~~ *A* ~~No~~ student *may not* be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents, in the public school program until all such proceedings have been completed.

(f)~~(6)~~ In providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(g)~~(7)~~ In addition to the services agreed to in a student's individual education plan, the district school superintendent shall fully inform the parent of a student having a physical or developmental disability of all available services that are appropriate for the student's disability. The superintendent shall provide the student's parent with a summary of the student's rights.

(2)(a) An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent or guardian is a resident. The cost of such instruction, facilities, and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority, or parent. A nonresident student with a disability may not be reported by any school district for FTE funding in the Florida Education Finance Program.

(b) The Department of Education shall provide to each school district a statement of the specific limitations of the district's financial obligation for exceptional students with disabilities under federal and state law. The department shall also provide to each school district technical assistance as necessary for developing a local plan to impose on a student's home state the fiscal responsibility for educating a nonresident exceptional student with a disability.

(c) The Department of Education shall develop a process by which a school district must, before providing services to an exceptional student with a disability who resides in a residential facility in this state, review the residency of the student. The residential facility, not the district, is responsible for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(d) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate care facility for the developmentally disabled or ICF/DD as defined in s. 393.063 or s. 400.960, or a community residential home as defined in s. 419.001.

Section 16. Section 1003.575, Florida Statutes, is created to read:

1003.575 Individual education plans for exceptional students.—The Department of Education shall devise an individual education plan (IEP) form for use in developing and implementing individual education plans for exceptional students. The IEP form must have a streamlined format; and, to provide for the use of an existing IEP form when a student transfers from one school district to another, the IEP form developed by the department shall be used in each school district in the state.

Section 17. Section 1003.58, Florida Statutes, is amended to read:

1003.58 Students in residential care facilities.—Each district school board shall provide educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

(1) The district school board shall not be charged any rent, maintenance, utilities, or overhead on such facilities. Maintenance, repairs, and remodeling of existing facilities shall be provided by the Department of Children and Family Services.

(2) If additional facilities are required, the district school board and the Department of Children and Family Services shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 1013.60. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Children and Family Services as provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the school district and the Department of Children and Family Services and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by state board rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property. The planning of such additional facilities shall incorporate current Department of Children and Family Services deinstitutionalization plans.

(3) The district school board shall have full and complete authority in the matter of the assignment and placement of such students in educational programs. The parent of an exceptional student shall have the same due process rights as are provided under *s. 1003.57(1)(e)* ~~s. 1003.57(5)~~.

(4) The district school board shall have a written agreement with the Department of Children and Family Services outlining the respective duties and responsibilities of each party.

Notwithstanding the provisions herein, the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

Section 18. Section 1004.64, Florida Statutes, is created to read:

1004.64 Florida Center for Reading Research.—There is created, as a joint project between the College of Arts and Sciences and the Learning Systems Institute (LSI) at the Florida State University, the Florida Center for Reading Research (FCRR). The center is administratively housed within the LSI and shall:

(1) Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, and programs.

(2) Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state.

(3) Conduct basic research on reading, reading growth, reading assessment, and reading instruction which will contribute to scientific knowledge about reading.

(4) Develop frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.

(5) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(6) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.

Section 19. Section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

(a) Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.

(b) Provide data for making decisions regarding school accountability and recognition.

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.

(d) Assess how well educational goals and performance standards are met at the school, district, and state levels.

(e) Provide information to aid in the evaluation and development of educational programs and policies.

(f) Provide information on the performance of ~~Florida~~ students *in this state* compared with *other students* ~~others~~ across the United States.

(2) INTENT.—

(a) It is the intent of the Legislature that the Department of Education pursue innovations in technology and assessment to allow the Florida Comprehensive Assessment Test (FCAT) to be administered as late as possible in the school year with scores received before the end of the school year. The department shall pursue such innovations to the extent funded by the Legislature. Annually, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the state of the art in large-scale on-line assessment capabilities of the industry and of the capacity of the public schools in this state to implement a statewide program.

(b) It is the further intent of the Legislature that the Department of Education make accessible to the public copies of actual scored FCAT test items when sufficient items are available through the test-item databank to ensure the security and validity of the test. The department shall provide such FCAT test items to the extent that sufficient items are funded by the Legislature. However, this paragraph does not apply to those provisions of the FCAT to which the department does not hold the copyright.

(3)~~(2)~~ NATIONAL EDUCATION COMPARISONS.—It is Florida's intent to participate in the measurement of national educational goals. The Commissioner of Education shall direct Florida school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar program being administered in Florida. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or similar program shall be in addition to and separate from the administration of the statewide assessment program.

(4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the State Board of Education a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the Sunshine State Standards as defined in s. 1000.21. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the State Board of Education revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 1008.385 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program~~, to be administered annually in grades 3 through 10~~ to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. *The assessment of reading and math shall be administered annually in grades 3 through 10. The assessment of writing and science shall be administered at least once at the elementary school level, at least once at the middle school level, and at least once at the high school level.* The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or on an alternate assessment as described in subsection (9) in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. ~~All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration.~~ The State Board of Education shall adopt rules *that* ~~which~~ specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall ~~only~~ apply *only* to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

(d) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, score, or report the results of, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(e) Conduct ongoing research *into* and analysis of student achievement data, including, without limitation, monitoring trends in student achievement *by grade level and overall student achievement*, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(5)~~(4)~~ DISTRICT TESTING PROGRAMS.—Each district school board shall periodically assess student performance and achievement

within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the statewide assessment program designed to measure annual student learning and school performance. All district school boards shall report assessment results as required by the state management information system.

(6)~~(5)~~ SCHOOL TESTING PROGRAMS.—Each public school shall participate in the statewide assessment program, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of the programs of remediation.

(7)~~(6)~~ REQUIRED ANALYSES.—The commissioner shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(a) The statistical system for the annual assessments shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement compared to the current year achievement for the purposes of accountability and recognition.

(b) The statistical system shall provide the best estimates of teacher, school, and school district effects on student progress. The approach used by the department shall be approved by the commissioner before implementation.

(c) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. The commissioner shall establish a schedule for the administration of the statewide assessments. In establishing such schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(8)~~(7)~~ LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the state student achievement testing program is the responsibility of the school districts.

(9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.—A student must meet the testing requirements for high school graduation that were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.

(10)~~(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.—

(a) The Commissioner of Education shall approve the use of the SAT and ACT tests as alternative assessments to the grade 10 FCAT ~~for the 2003-2004 school year~~. Students who attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT for purposes of high school graduation shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for the 2003-2004 school year~~ if the students meet the requirement in paragraph (b).

(b) A student shall be required to take the grade 10 FCAT a total of three times without earning a passing score in order to use the scores on an alternative assessment pursuant to paragraph (a). This requirement shall not apply to a student who is a new student to the public school system in grade 12.

(11)~~(10)~~ RULES.—The State Board of Education shall adopt rules *under* ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section.

Section 20. Subsection (8) of section 1008.25, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) ~~Beginning with the 2001-2002 school year,~~ Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

(c) The Department of Education shall establish a uniform format in which school districts must report such information. The department shall annually compile the information required under subparagraphs (b)2., 3., and 4., along with state-level summary information, and shall report the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(11) REPORTS.—The Department of Education shall annually provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on:

(a) The longitudinal performance of students in math and reading.

(b) The longitudinal performance of students by grade level in math and reading.

(c) The longitudinal performance regarding efforts to close the achievement gap.

(d) The longitudinal performance of students on the norm-referenced component of the FCAT.

(e) Other student performance data based on national norm-referenced and criterion-referenced tests, when available.

Section 21. Section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; *public accountability and reporting* ~~performance-based funding~~; mission, goals, and systemwide measures.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:

1. What is the public receiving in return for funds it invests in education?

2. How effectively is Florida's K-20 education system educating its students?

3. How effectively are the major delivery sectors promoting student achievement?

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are *exhibiting* ~~performing and~~ how much they are learning?

(b) The K-20 education performance accountability system be established as a single, unified accountability system with multiple components, including, but not limited to, measures of adequate yearly progress, individual student learning gains in public schools, school grades, and return on investment.

(c) The K-20 education performance accountability system comply with the accountability requirements of the "No Child Left Behind Act of 2001," Pub. L. No. 107-110.

(d) The State Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e) The State Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and *community colleges* ~~postsecondary educational institutions~~, with measures and standards based primarily on student achievement.

(f) The Board of Governors establish performance measures and set performance standards for state universities, with measures and standards based primarily on student access and achievement. Measures should encourage the seamless transition of students from one educational level to the next and be consistent with other educational accountability measures.

~~(2) PERFORMANCE-BASED FUNDING.—~~

~~(a) The State Board of Education shall cooperate with each delivery system to develop proposals for performance-based funding, using performance measures adopted pursuant to this section.~~

~~(b) The State Board of Education proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards.~~

~~(c) The State Board of Education shall adopt guidelines required to implement performance-based funding that allow 1 year to demonstrate achievement of specified performance standards prior to a reduction in appropriations pursuant to this section.~~

~~(d) By December 1, 2003, the State Board of Education shall adopt common definitions, measures, standards, and performance improvement targets required to:~~

~~1. Use the state core measures and the sector-specific measures to evaluate the progress of each sector of the educational delivery system toward meeting the systemwide goals for public education.~~

~~2. Notify the sectors of their progress in achieving the specified measures so that they may develop improvement plans that directly influence decisions about policy, program development, and management.~~

~~3. Implement the performance-based budgeting system described in this section.~~

~~(e) During the 2003-2004 fiscal year, the Department of Education shall collect data required to establish progress, rewards, and sanctions.~~

~~(f) By December 1, 2004, the Department of Education shall recommend to the Legislature a formula for performance-based funding that applies accountability standards for the individual components of the public education system at every level, kindergarten through graduate school. Effective for the 2004-2005 fiscal year and thereafter, subject to annual legislative approval in the General Appropriations Act, performance-based funds shall be allocated based on the progress, rewards, and sanctions established pursuant to this section.~~

(2)~~(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(a) The mission of Florida's K-20 education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.

(b) The ~~State Board of Education shall adopt~~ guiding principles for establishing state and sector-specific standards and measures *must assure that the process is:*~~.~~

1. Focused on student success;

2. Actionable, in that an educational entity can affect the outcomes through policy and program changes;

3. High-quality and efficient;

4. Measurable over time;

5. Simple to explain and display to the public; and

6. Aligned with other measures and other sectors to support a coordinated K-20 education system.

(c) The *Department* ~~State Board~~ of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as *indicated by evidence of student learning gains at all levels* ~~measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 1008.34; graduation or completion rates at all learning levels; and other measures identified in law or rule~~.

2. Seamless articulation and maximum access, as measured by *evidence of progression and readiness and evidence of access by targeted groups of students identified by the commissioner*~~: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, graduate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; the degree to which underserved populations access educational opportunity; the extent to which access is provided through innovative educational delivery strategies; and other measures identified in law or rule~~.

3. Skilled workforce and economic development, as measured by *evidence of employment and earnings*~~: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; national rankings; and other measures identified in law or rule~~.

4. Quality efficient services, as measured by *evidence of return on investment*~~: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule~~.

(3)~~(4)~~ *K-20 EDUCATION DATA QUALITY IMPROVEMENT.—To provide data required to implement education performance accountability measures in state and federal law, the commissioner shall initiate and maintain strategies to improve data quality and timeliness.*

(a) ~~SYSTEMWIDE DATA COLLECTION.—~~School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education*, the Board of Governors,* and the Legislature with information and reports necessary to address the specifications of the accountability system. ~~The State Board of Education shall determine the standards for the required data.~~ The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

(b) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the Legislature, the State Board of Education, and the Board of Governors data quality indicators and ratings for all public postsecondary education institutions and school districts.

(4) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this section.

Section 22. Section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated *with a grade of* ~~as performance grade category~~ "F." Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated *with a grade of* ~~as performance grade category~~ "F" to be academically well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

(d) Transfer high-quality teachers, faculty, and staff to improve the performance of students in any low-performing school;

(e)~~(d)~~ Allow parents of students in the school to send their children to another district school of their choice; or

(f)~~(e)~~ Other action appropriate to improve the school's performance.

(3) In recommending actions to district school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The State Board of Education may adopt rules to further specify how it may respond in specific circumstances. ~~No~~ Action taken by the State Board of Education *does not* ~~shall~~ relieve a school from state accountability requirements.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. ~~Withholding~~ The transfer of funds *may be withheld* ~~shall occur~~ only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(16)(c).

Section 23. Section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; *school report cards;* district performance grade.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; ~~provided,~~ however, ~~that~~ the provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—The annual report shall identify schools as *having one of the following grades* ~~being in one of the following grade categories~~ defined according to rules of the State Board of Education:

(a) "A," schools making excellent progress.

(b) "B," schools making above average progress.

(c) "C," schools making satisfactory progress.

(d) "D," schools making less than satisfactory progress.

(e) "F," schools failing to make adequate progress.

Each school designated *with a grade of* ~~in performance grade category~~ "A," making excellent progress, or having improved at least two *grade levels* ~~performance grade categories~~, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

(3) DESIGNATION OF SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—School *grades* ~~performance grade category designations~~ itemized in subsection (2) shall be based on the following:

(a) *Criteria* ~~Timeframes~~.—

~~1. School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains.~~

~~2.~~ A school's *grade* ~~performance grade category designation~~ shall be based on a combination of:

1. Student achievement scores*;*~~,~~

2. Student learning gains as measured by annual FCAT assessments in grades 3 through 10*;*~~,~~ and

3. Improvement of the lowest 25th percentile of students in the school in reading~~, math, or writing~~ on the FCAT, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

(b) Schools to be graded.—All schools shall receive a school grade except those alternative schools that receive a school improvement rating pursuant to s. 1008.341. Alternative schools may choose to receive a school grade pursuant to the provisions of this section in lieu of a school improvement rating described in s. 1008.341.

(c)~~(b)~~ Student assessment data.—Student assessment data used in determining school *grades* ~~performance grade categories~~ shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" as used in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, and who are in the programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in calculating the originating school's grade. For purposes of this section and s. 1008.341, the term "originating school" means the school that the student was attending when assigned to an alternative school. If an alternative school chooses to be graded pursuant to this section, student performance data for eligible students identified in this subparagraph may not be included in the originating school's grade, but shall be included only in the calculation of the alternative school's grade. School districts must ensure collaboration between the originating school and the alternative school in order to promote student success.

~~The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students.~~ The State Board of Education shall adopt appropriate criteria for each school *grade* ~~performance grade category~~. The criteria must also give added weight to student achievement in reading. Schools designated *with a grade of* ~~as performance grade category~~ "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 1008.36.

(5) SCHOOL *REPORT CARD.—The Department of Education shall annually develop in collaboration with the school districts a school report card to be delivered to parents throughout each school district. The report card must include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act, and indicators of return on investment.* ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured.~~ Each school's *report card* ~~designation and rating~~ shall be published annually by the Department of Education *on the department's website,* and the school district *shall provide the report card to each parent.* ~~Parents shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.~~

~~(6) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.~~

(6)~~(7)~~ PERFORMANCE-BASED FUNDING.—The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(7)~~(8)~~ DISTRICT PERFORMANCE GRADE.—The annual report required by subsection (1) shall include district performance grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

(8) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 24. Section 1008.341, Florida Statutes, is created to read:

1008.341 School improvement rating for alternative schools.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare an annual report on the performance of each school receiving a school improvement rating pursuant to this section if the provisions of s. 1002.22 pertaining to student records apply.

(2) SCHOOL IMPROVEMENT RATING.—Alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53 may not receive a school grade as described in s. 1008.34, but shall receive a school improvement rating pursuant to this section. The school improvement rating shall identify schools as having one of the following ratings defined according to rules of the State Board of Education:

(a) "Improving" schools with students making more academic progress than when the students were served in their home school.

(b) "Maintaining" schools with students making the equivalent progress as when the students were served in their home school.

(c) "Declining" schools with students making less academic progress than when the students were served in their home school.

The school improvement rating shall be based on a comparison of the current year's and previous year's students and school performance data. Schools that improve at least one level pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.

(3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student assessment data used in determining an alternative school's school improvement rating shall include:

(a) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE counts, who have been assessed on the FCAT, and who have FCAT or comparable scores for the preceding school year.

(b) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE counts, who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the state on FCAT Reading.

The scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, and who are in programs operated and contracted by the Department of Juvenile Justice may not be included in an alternative school's improvement rating.

(4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For all alternative schools receiving a school improvement rating, the Department of Education shall annually identify the percent of students making

learning gains as compared to the percent of the same students making learning gains at their originating school in the year before being assigned to the alternative school.

(5) SCHOOL REPORT CARD.—The Department of Education shall annually develop, in collaboration with the school districts, a school report card for alternative schools to be delivered to parents through each school district. The report card shall include the school improvement rating, identification of student learning gains, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment.

(6) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 25. Section 1008.36, Florida Statutes, is amended to read:

1008.36 Florida School Recognition Program.—

(1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(2) The Florida School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort by improving a letter grade.

(3) All public schools, including charter schools, that receive a school grade pursuant to s. 1008.34 are eligible to participate in the program. *For purposes of this section, a school serving any combination of kindergarten through grade 3 students which does not receive a school grade under s. 1008.34 shall be assigned the school performance grade of the feeder pattern school designated by the Department of Education and verified by the school district and shall be eligible to participate in the program based upon that feeder. A feeder school pattern is defined where at least 60 percent of the students in the school or schools servicing a combination of kindergarten through grade 3 students are scheduled to be assigned to the school receiving the school grade. In addition, the feeder pattern school shall be subject to the Opportunity Scholarship Program as defined in s. 1002.38.*

(4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.

(5) School recognition awards must be used for the following:

(a) Nonrecurring bonuses to the faculty and staff *who presently are employed at the school or who were employed at the school during the year of improved performance*;

(b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(c) Temporary personnel for the school to assist in maintaining and improving student performance.

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 26. Paragraph (f) of subsection (1), paragraphs (a) and (b) of subsection (4), and subsection (8) of section 1011.62, Florida Statutes, are amended, and present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) Supplemental academic instruction; categorical fund.—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs *or in an education program for juveniles under s. 985.223*. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~subparagraph (9)(a)2.~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the Commissioner of Education the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes, and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~subparagraph (9)(a)2~~.

(8) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)*~~(9)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(9)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(9) RESEARCH-BASED READING-INSTRUCTION ALLOCATION.—

(a) There is created the Research-Based Reading-Instruction Allocation to provide comprehensive reading instruction to students in kindergarten through grade 12.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each school district may be allocated a minimum amount as specified in the General Appropriations Act with the balance of funds being allocated by prorating on each district's share of Florida Education Finance Program base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in K-12 programs, which may include the provision of:

1. Highly qualified reading coaches whose priority is building capacity on effective strategies to teach reading and enhance literacy. Reading coaches who are endorsed should, whenever possible, be involved in the instruction of students.

2. Professional development for district teachers in scientifically based reading instruction;

3. Summer reading camps for students who score at Level 1 on the FCAT;

4. Supplemental instructional materials that are grounded in scientifically based reading research; and

5. Intensive interventions for middle-school and secondary-school students who are reading below grade level.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot agree on the contents of the plan, the school district may appeal to the State Board of Education. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts with approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.

Section 27. Paragraph (b) of subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the *differentiated-pay provisions detailed in s. 1012.22* ~~salary career ladder defined in s. 1012.231~~.

Section 28. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by *s. 1011.62(10)* ~~s. 1011.62(9)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

Section 29. Subsection (6) is added to section 1012.21, Florida Statutes, to read:

1012.21 Department of Education duties; K-12 personnel.—

(6) REPORTING.—The Department of Education shall annually post on-line the collective bargaining contracts of each school district in the state which the department has received under s. 1012.22.

Section 30. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4.*a.* ~~Beginning with the 2002-2003 fiscal year,~~ Each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. ~~Beginning with the 2004-2005 academic year,~~ The district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers *based on the level of their responsibilities* ~~within each level of the salary career ladder provided in s. 1012.231~~.

b. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall *recommend to the State Board of Education that the board* withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified*, and the board may do so*.

5.a. Beginning with the 2005-2006 fiscal year, each district school board shall adopt a differentiated-pay policy for school administrators and instructional personnel. The policy with respect to instructional personnel is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel to receive differentiated pay based upon factors including, but not limited to:

(I) The subject areas taught, with classroom teachers who teach in critical shortage areas receiving higher pay;

(II) The economic demographics of the school, with school administrators and instructional personnel in schools that have a majority of students who qualify for free or reduced-price lunches receiving higher pay;

(III) The performance of school administrators and instructional personnel as provided in subparagraph 4.; and

(IV) The responsibilities of the classroom teacher.

b. The district school board must hold a public hearing at which the board must present its proposed differentiated-pay policy and the rationale supporting the differentiated-pay classifications as proposed, consistent with this subparagraph's differentiated-pay factors.

c. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for differentiated pay. If the district school board does not adopt a differentiated-pay scale, the commissioner shall recommend to the State Board of Education that the board withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified, and the board may do so.

Section 31. Section 1012.2315, Florida Statutes, is created to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparity between teachers assigned to teach in a majority of "A" schools compared with those assigned to teach in a majority of "F" schools. The disparity can be found in the average years of experience, the median salary, and the performance of the teachers on teacher certification exams. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably to schools throughout the district.

(2) ASSIGNMENT TO "D" AND "F" SCHOOLS.—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that have more than the school district average of minority and economically disadvantaged students or to schools that are graded "D" or "F." Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this section, the State Board of Education shall be notified and shall take action in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards may provide salary incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.—Notwithstanding chapter 447, no provision of collective bargaining may preclude a school district from assigning high-quality teachers to teach in low-performing schools.

Section 32. Section 1012.986, Florida Statutes, is created to read:

1012.986 Professional development for school leaders.—

(1) SHORT TITLE.—This section may be cited as the GASL (Golden Academy of School Leadership) Act.

(2) CREATION OF PROGRAM.—There is created the GASL Program which shall be administered by the Department of Education. The program shall be a high-quality, competency-based, customized, comprehensive, and coordinated statewide professional development program to provide leadership training opportunities for school leaders to enable them to be more effective instructional leaders, especially in the area of reading. The program shall provide school leaders with the opportunity to attain a school leadership designation pursuant to subsection (4).

(3) DEFINITION.—As used in this section, the term "school leader" means a school principal or assistant principal who holds a valid Florida certificate in educational leadership.

(4) LEADERSHIP DESIGNATIONS.—The Department of Education shall determine annually, in collaboration with school principals, thresholds for different leadership designations. Criteria for school leadership designations shall be based on the following point system:

(a) One point for each percent increase over the previous year, by grade, of students who score at or above FCAT Level 3 in reading;

(b) One point for each percent increase over the previous year, by grade, of students who score at or above FCAT Level 3 in math;

(c) One point for each percent increase over the previous year, by school, of students who score 3.5 or higher on FCAT writing;

(d) One point for each percent increase over the previous year of students making learning gains in reading;

(e) One point for each percent increase over the previous year of students making learning gains in math;

(f) One point for each percent increase over the previous year of the lowest quartile making learning gains in reading.

(5) GASL PROGRAM REQUIREMENTS.—

(a) The GASL Program shall be based upon the leadership standards adopted by the State Board of Education, the standards of the National Staff Development Council, and the federal requirements for high-quality professional development under the No Child Left Behind Act of 2001.

(b) The GASL Program shall provide a competency-based approach that uses prediagnostic and post-diagnostic evaluations that shall be used to create an individualized professional development plan approved by the district school superintendent. The plan must be structured to support the school leader's attainment of the leadership standards adopted by the State Board of Education.

(c) The GASL Program shall incorporate training in instructional leadership and effective business practices for efficient school operations in school leadership training based on best practices of current effective leadership training in school districts.

(6) DELIVERY SYSTEM.—The Department of Education shall deliver the GASL Program through multiple delivery systems, including:

(a) Approved school district training programs;

(b) Interactive technology-based instruction; and

(c) State, regional, or local leadership academies.

(7) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 33. Subsection (6) of section 1013.512, Florida Statutes, is amended to read:

1013.512 Land Acquisition and Facilities Advisory Board.—

(6) Upon certification by the advisory board that corrective action has been taken, *the Legislative Budget Commission shall release all funds remaining in reserve. Upon such release,* each Land Acquisition and Facilities Advisory Board shall be disbanded.

Section 34. *Approval is granted for the endowment for the Appleton Museum of Art, currently held by the Appleton Cultural Center, Inc., to be transferred to the Central Florida Community College Foundation. The endowment to be transferred, which includes state matching funds, was established in 1987 through the Cultural Arts Endowment Program. By this provision, the Central Florida Community College Foundation is authorized to manage the endowment only for the support of the educational program at the Appleton Museum of Art and is released from all other provisions of the Trust Agreement dated July 17, 1987, by and between the State of Florida and the Appleton Cultural Center, Inc., and sections 265.601 through 265.607, Florida Statutes.*

Section 35. *Sections 1012.987 and 1012.231, Florida Statutes, are repealed.*

Section 36. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; requiring the date of the Veterans' Day observance to correspond with the federal holiday; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School

Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; 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; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing effective dates.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1A (342514)(with title amendment)—On page 70, lines 26-28, delete those lines and insert: salaries of classroom teachers as defined in s. 1012.01(2)(a) ~~and to implement the salary career ladder defined in s. 1012.231~~.

And the title is amended as follows:

On page 83, lines 30 and 31, delete those lines and insert: for fund disbursement; amending s. 1011.71, F.S., to conform; amending s. 1011.685, F.S.; revising priority given to classroom teachers for salary increases; amending s.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendments to be considered:

Senator Bennett offered the following amendments to **Amendment 1** which were moved by Senator Fasano and adopted:

Amendment 1B (495606)(with title amendment)—On page 71, between lines 21 and 22, insert:

(7) Notwithstanding subsections (2) and (5), a district school board may expend funds generated under this section to purchase the property and casualty insurance associated with the educational plant of the district. Any operating revenues made available through this section shall be expended only for nonrecurring operational expenditures of the school district.

And the title is amended as follows:

On page 83, line 31, after the semicolon (;) insert: amending s. 1011.71, F.S.; authorizing use of school board millage for payment of premiums for property and casualty insurance necessary to insure school district educational plants; limiting the use of certain operating revenues;

Amendment 1C (540758)—On page 70, delete line 30 and insert: Statutes, is amended, and subsection (7) is added to that section, to read:

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendments to be considered:

Senator Wise moved the following amendments to **Amendment 1** which were adopted:

Amendment 1D (203230)(with title amendment)—On page 78, between lines 23 and 24, insert:

Section 37. Paragraph (c) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

(c) An ASL teacher must be certified by the Department of Education by *July 1, 2009* ~~January 1, 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006. New FASLTA certification may be used by current ASL teachers as an alternative certification track~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 14, after the second semicolon (;) insert: amending s. 1007.2615, F.S.; establishing a deadline by which American Sign Language teachers must be certified;

Amendment 1E (712192)(with title amendment)—On page 78, between lines 23 and 24, insert:

Section 37. *Section 446.609, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 14, after the second semicolon (;) insert: repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates Act;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a

limited time; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; authorizing the Justice Administrative Commission to review certain records; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; excluding unincorporated areas of certain consolidated governments from the term "municipality" for purposes of sharing with the clerk certain fines from local ordinance violations; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public

inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; restricting the use of surcharge proceeds; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain consolidated governments; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; restricting the use of surcharge proceeds; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

—which was previously considered and amended this day.

Pending further consideration of **CS for CS for SB 2542** as amended, on motion by Senator Smith, by two-thirds vote **HB 1935** was withdrawn from the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

On motion by Senator Smith, the rules were waived and by two-thirds vote—

HB 1935—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that a list of attorneys compiled by the Eleventh Judicial Circuit provide certain information on assigned attorneys; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; specifying certain information to be contained in a report by the Eleventh Judicial Circuit; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; revising fee payment provisions; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring the circuit Article V indigent services committee to establish the compensation rates for court-appointed counsel or in cases of indigency; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; providing application requirements; requiring an application fee; providing for transfer and deposit of such fees into the Indigent Criminal Defense Trust Fund to be used for certain purposes; authorizing clerks of courts to retain a portion of the fees for certain purposes; prescribing duties of the clerk of court and the public defender relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk on the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; providing criteria and requirements for such determination; requiring certain parents or legal guardians to furnish legal services and costs to certain persons relating to delinquency proceedings or criminal prosecutions; providing for imposition of a lien for certain liabilities and lien enforcement; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; requiring certain private court-appointed counsel to enter into a uniform contract with Justice Administrative Commission and use the commission's uniform procedures and form for certain billing purposes; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings using certain equipment; entitling private court-appointed counsel to compensation upon final disposition; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring a county or municipality to pay certain costs for due-process services in local ordinance violation cases; prescribing assessment of fees to recover such costs; providing for determination and collection of such

fees; amending s. 28.24, F.S.; requiring the clerk of the court to charge for certain recording services and performing certain duties; requiring the clerk of the court to provide without charge copies to court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; providing an exception to the designation of the clerk of court as custodian of official records; amending s. 28.2402, F.S.; prohibiting a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting a filing fee for initiating certain enforcement proceedings; excluding certain counties having a consolidated government from the term "municipality"; amending s. 28.245, F.S.; requiring the clerks of the court to remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference to the Florida Clerks of Court Operations Corporation; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; requiring the clerk to enter into a payment plan with certain persons; providing payment plan criteria; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a cross reference; conforming a reference to the Chief Financial Officer; providing conditions and requirements by which the Legislative Budget Commission may approve adjustments to the clerk's maximum annual budget for court-related duties; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.005, F.S.; deleting certain appointed mental health professionals from elements of state attorneys' offices provided from state revenues; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; requiring the Justice Administrative Commission to adjust certain allocations of funds among circuits under certain circumstances; requiring notice of such adjustment; requiring the commission to request a budget amendment under certain circumstances to address budget deficits relating to due-process services; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process services; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; prohibiting the provision of due process services with state revenues to individuals under certain circumstances; amending s. 34.045, F.S.; proscribing a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting assessment of a filing fee for initiating certain enforcement proceedings in county court; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment of a filing fee; amending s. 34.191, F.S.; excluding certain counties having a consolidated government from the term municipality; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; authorizing the commission to petition the court for certain additional documentation; amending s. 39.821, F.S.; requiring the Guardian Ad Litem Program rather than the chief judge to request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; providing a definition; amending s. 40.29, F.S.; revising procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; removing the Judicial Qualifications Commission from the duties of the Justice Administrative Commission and adding the Guardian ad Litem Program; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; providing responsibilities of the chief judge of each circuit; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; providing a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination and appointment of a private attorney in certain civil cases; providing application requirements; prescribing duties of the clerk of court relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk of the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing a court to determine a person indigent and eligible for appointed counsel; providing criteria and requirements for such determination; requiring persons determined to be indigent for civil proceedings to be enrolled in a payment plan and charged an administrative processing charge; providing plan criteria; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing a reference to the Article V Indigent Services Advisory Board; amending s. 110.205, F.S.; specifying that members, officers, and employees of the Justice Administrative Commission and certain related organizations are exempt positions under career service provisions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; authorizing sheriffs and clerks of the courts to pay certain deposited or collected funds into a specific fine and forfeiture fund; requiring the clerk to pay for the cost of publication of the list of unclaimed court-related funds; requiring unclaimed funds to be deposited into the fine and forfeiture fund; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the court-related collections remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments; amending s. 219.07, F.S.; revising disbursement requirements for the clerk as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; specifying that certain surcharges may not be added to civil traffic penalties; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring the clerk of the court to quarterly report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing certain local governments to impose by ordinance a surcharge on any infraction or violation in addition to certain noncriminal traffic infractions and certain criminal violations; providing for transfer of revenues from such surcharge for certain purposes; prohibiting a court from waiving the surcharge; providing for repeal; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain counties having a consolidated government or unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 328.32, F.S.; providing additional limitation on a hearing officer's authority; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for

reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing clerks of circuit courts to enter into contracts or interagency agreements to represent the clerk in certain actions; providing that the clerk is the real party in interest for all appeals arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees, court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; revising requirements for the payment of experts; specifying which fees are to be paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; requiring evaluation of a defendant; providing criteria; authorizing a court to commit a defendant or take other action under certain circumstances; amending s. 916.301, F.S.; requiring the court to pay for certain expert witnesses appointed by the court; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain costs or fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 939.185, F.S.; authorizing certain local governments to impose by ordinance in addition to certain court costs and other costs, fines, and penalties imposed by law a surcharge to be imposed by court on persons pleading guilty or nolo contendere to certain criminal offenses; providing for transfer of revenues from such surcharge for certain purposes; providing for repeal; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring the party calling a witness in traffic court to bear the costs; requiring the office of the state attorney to pay such costs if the witness is required to testify on behalf of the prosecution; authorizing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing for deposit of such funds; authorizing the trial court administrator to recover certain costs under certain circumstances; requiring the chief judge to determine the rate, which may not exceed the cost of the service and recovery; providing legislative intent for revisions to ss. 28.2402, 34.191, and 318.21, F.S.; revising the maximum annual budget amount for the Clerk of the Circuit Court, Miami-Dade County; repealing s. 29.014, F.S., relating to the Article V Indigent Service Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing exceptions; providing for administration by the clerk of the circuit court; authorizing the clerk of the circuit court to retain a specified percentage of the assessments collected; requiring the teen court to account for all funds received; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to administer a teen court program; prohibiting teen courts in counties adopting an ordinance from receiving court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2542** as amended and by two-thirds vote read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1935** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Haridopolos	Rich
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	King	Siplin
Crist	Klein	Smith
Dawson	Lawson	Villalobos
Diaz de la Portilla	Lynn	Webster
Dockery	Margolis	Wilson
Fasano	Peaden	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Webster—

CS for SB 2566—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition in that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; creating s. 812.18, F.S.; providing legislative intent relating to business parking lot security; providing an evidentiary presumption relating to determining whether there was adequate security to protect against a reasonably foreseeable and preventable criminal act that occurs in a commercial parking lot; providing for admissibility of evidence relating to compliance with this section; providing an exception to applicability of the section; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (444438)—On page 2, line 22; and on page 3, line 6, delete "*sales*" and insert: *sale*

Amendment 2 (572510)(with title amendment)—On page 3, lines 9-11, delete those lines and insert:

duty to provide adequate security to any person legally on the property in such parking lot, adjacent public walkways, common areas, or commercial business entrances or exists on the premises against criminal acts committed by third parties if the court finds

And the title is amended as follows:

On page 1, lines 14-19, delete those lines and insert: business premises security; providing an evidentiary presumption relating to determining whether there was adequate security to protect against a reasonably foreseeable and preventable criminal act that occurs in a parking lot, adjacent public walkway, common area, or commercial business entrance or exit; providing for

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment:

Amendment 3 (660092)(with title amendment)—On page 2, line 17 through page 5, line 28, delete those lines and insert:

Section 2. Subsection (4) of section 768.81, Florida Statutes, is amended to read:

768.81 Comparative fault.—

(4) APPLICABILITY.—

(a) This section applies to negligence cases. For purposes of this section, *the term* "negligence cases" includes, but is not limited to, civil

actions for damages based upon theories of negligence, *including negligent security resulting in the commission of an intentional tort or criminal act;* strict liability*;*~~,~~ products liability*;*~~,~~ professional malpractice whether couched in terms of contract or tort*,*~~,~~ or breach of warranty and like theories. In determining whether a case falls within the term "negligence cases," the court shall look to the substance of the action and not the conclusory terms used by the parties.

(b) This section does not apply to any action brought by any person to recover actual economic damages resulting from pollution, to any action *in which an intentional tortfeasor seeks to apportion fault to a negligent tortfeasor* ~~based upon an intentional tort~~, or to any cause of action as to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 498, chapter 517, chapter 542, or chapter 895.

Section 3. *Section 768.0710, Florida Statutes, is repealed.*

Section 4. For the purpose of incorporating the amendment to section 768.81, Florida Statutes, in a reference thereto, section 25.077, Florida Statutes, is reenacted to read:

25.077 Negligence case settlements and jury verdicts; case reporting.—Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator, beginning in 2003, information from each settlement or jury verdict and final judgment in negligence cases as defined in s. 768.81(4), as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.

(Redesignate subsequent sections)

And the title is amended as follows:

On page 1, lines 12-25, delete those lines and insert: circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto;

POINT OF ORDER

Senator Geller raised a point of order that pursuant to Rule 7.1, section 3(c), the amendment was the substance of Senate Bill 2566 which was brought up in committee. He stated that the amendment would insert into the bill the substance of Senate Bill 2566, which was brought up in committee and this provision was taken out of it, and that bill was then tabled when the committee reported a substitute for it.

RULING ON POINT OF ORDER

The President ruled the point not well taken. He then stated: "Senators, if Rule 7.1 is going to be so narrowly construed so as to prohibit members from deleting provisions in a piece of legislation and not being allowed to come back to the floor and reinsert them in similar form then we are going to largely shut down the opportunity for the full body to consider issues because committees are able to stop legislation, and I do not think that was the intent of the rule. I am going to rule that the point is not well taken."

The question recurred on **Amendment 3** which failed.

The vote was:

Yeas—16

Mr. President	Atwater	Bennett
Alexander	Baker	Carlton
Clary	Lynn	Villalobos
Dockery	Pruitt	Webster
Fasano	Sebesta	Wise
Haridopolos		

Nays—24

Argenziano	Garcia	Miller
Aronberg	Geller	Peaden
Bullard	Hill	Posey
Campbell	Jones	Rich
Constantine	King	Saunders
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Margolis	Wilson

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar, Bills on Third Reading, announcements and motions.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which failed:

Amendment 4 (385940)(with title amendment)—On page 2, line 17 through page 5, line 28, delete those lines and insert:

Section 2. Paragraph (b) of subsection (4) of section 768.81, Florida Statutes, is amended to read:

(4) APPLICABILITY.—

(b) This section does not apply to any action brought by any person to recover actual economic damages resulting from pollution, to any action based upon an intentional tort *that occurs in an indoor area of a business*, or to any cause of action as to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 498, chapter 517, chapter 542, or chapter 895.

Section 3. *Section 768.0710, Florida Statutes, is repealed.*

Section 4. For the purpose of incorporating the amendment made by this act to section 768.81, Florida Statutes, in references thereto, section 25.077, Florida Statutes, is reenacted to read:

25.077 Negligence case settlements and jury verdicts; case reporting.--Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator, beginning in 2003, information from each settlement or jury verdict and final judgment in negligence cases as defined in s. 768.81(4), as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 12-25, delete those lines and insert:

circumstantial evidence; amending s. 768.81, F.S.; providing for the apportionment of damages to an intentional tortfeasor for intentional torts that occur in the outdoor areas of a business; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto;

The vote was:

Yeas—17

Mr. President	Constantine	Pruitt
Alexander	Dockery	Sebesta
Baker	Fasano	Villalobos
Bennett	Haridopolos	Webster
Carlton	Lynn	Wise
Clary	Posey	

Nays—23

Argenziano	Garcia	Miller
Aronberg	Geller	Peaden
Atwater	Hill	Rich
Bullard	Jones	Saunders
Campbell	King	Siplin
Crist	Klein	Smith
Dawson	Lawson	Wilson
Diaz de la Portilla	Margolis	

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 5 (112870)(with title amendment)—On page 2, line 17 through page 5, line 26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 12-22, delete those lines and insert: circumstantial evidence;

Pending further consideration of **CS for SB 2566** as amended, on motion by Senator Webster, by two-thirds vote **HB 1931** was withdrawn from the Committees on Commerce and Consumer Services; and Judiciary.

On motion by Senator Webster, the rules were waived and—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining "constructive knowledge"; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 2566** as amended and read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 1 (702196)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 768.0755, Florida Statutes, is created to read:

768.0755 Premises liability for transitory foreign substances in a retail establishment.—If a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had actual or constructive knowledge of the dangerous condition in that the condition existed for a sufficient length of time so that, in the exercise of ordinary care, the retail establishment should have known of the dangerous condition and taken action to remedy it. Constructive knowledge may be proven by circumstantial evidence showing that:

(1) The dangerous condition existed for such a length of time that in the exercise of ordinary care, the retail establishment should have known of the condition; or

(2) The condition occurred with regularity and was therefore foreseeable.

Section 2. *Section 768.0710, Florida Statutes, is repealed.*

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition in that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

Pursuant to Rule 4.19, **HB 1931** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2568—A bill to be entitled An act relating to liability for products; creating s. 768.1259, F.S.; defining terms; providing that a seller of a product manufactured in the United States may be dismissed from an action for strict liability for harm caused by a product; providing exceptions; providing procedures related to dismissal; requiring an affidavit to accompany a motion to dismiss; prescribing the contents of the affidavit; providing for discovery and a hearing on the motion to dismiss; providing conditions under which a seller may be held liable as a manufacturer; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (850344)—On page 2, lines 15 and 16, delete those lines and insert: *(b) The seller altered, modified, installed, or failed to maintain the product in a manner that caused harm to the claimant;*

Amendment 2 (360110)—On page 3, lines 8 and 9, delete those lines and insert: *(d) The seller did not alter, modify, install, or fail to maintain the product in a manner that caused harm to the claimant;*

Senator Bennett moved the following amendment which was adopted:

Amendment 3 (735884)(with title amendment)—On page 4, between lines 11 and 12, insert:

(9) This section does not preclude claims for indemnification and contribution by a builder or manufacturer who is engaged in the business of construction and who obtains a product from a seller whereby such product is the subject of an action for strict liability for harm caused by the product.

And the title is amended as follows:

On page 1, line 14, following the semicolon (;) insert: authorizing certain claims for indemnification and contribution by builders;

Pursuant to Rule 4.19, **CS for SB 2568** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2564—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.

—was read the second time by title.

Senator Smith moved the following amendment:

Amendment 1 (395416)(with title amendment)—On page 1, line 19 through page 2, line 15, delete those lines and insert:

(1) 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 subsection (2).

(2) 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.

And the title is amended as follows:

On page 1, lines 6-12, delete those lines and insert: providing exceptions; providing an effective date.

Senator Smith moved the following substitute amendment:

Amendment 2 (240980)(with title amendment)—On page 2, lines 1-15, delete those lines and insert:

(2) Notwithstanding any law to the contrary, in order to maintain a class action seeking monetary relief, the class must allege and prove actual or statutory damages. In any such class action, the monetary recovery shall be limited to the amount of actual, statutory, and punitive 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. However, class action claimants may seek to obtain, if appropriate, nonmonetary relief, including injunctive relief and orders, declaratory relief and orders or judgments enjoining wrongful conduct, or equitable relief, regardless of whether the class action claimants can prove any actual monetary damages. Nothing in this section shall be construed to in any way limit or restrict the availability of such nonmonetary relief.

And the title is amended as follows:

On page 1, lines 7-10, delete those lines and insert: and limitations for monetary relief; providing requirements for allegations and proof;

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senators Smith and Saunders offered the following amendment to **Amendment 2** which was moved by Senator Smith and adopted:

Amendment 2A (405830)(with title amendment)—On page 1, line 15 through page 2, line 2, delete those lines and insert: On page 2, lines 1-15, delete those lines and insert:

(2) Notwithstanding any law to the contrary, in order to maintain a class action seeking monetary relief, the class must allege and prove actual damages. In any such class action, the monetary recovery shall be limited to equitable relief, if appropriate, and the amount of actual 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. However, class action claimants may seek to obtain, if appropriate, nonmonetary relief, including injunctive relief and orders, declaratory relief and orders, judgments enjoining wrongful conduct, or equitable relief, regardless of whether the class action claimants can prove any actual monetary damages. Nothing in this section shall be construed to in any way limit or restrict the availability of such nonmonetary relief nor does this section limit any remedy available under chapter 501, 772, or 760, Florida Statutes.

And the title is amended as follows:

On page 2, line 7-11, delete those lines and insert: On page 1, line 9, after "than" insert: equitable relief and

Amendment 2 as amended failed.

The question recurred on **Amendment 1** which was withdrawn.

Senators Dawson, Siplin and Hill offered the following amendment which was moved by Senator Dawson and adopted:

Amendment 3 (150138)(with title amendment)—On page 2, between lines 15 and 16, insert:

Section 2. *This act does not affect any class action lawsuits involving federal or state civil rights laws.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing no effect on class action lawsuits involving civil rights laws;

Pursuant to Rule 4.19, **CS for SB 2564** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 1488—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; repealing provisions allowing an insurer to submit a rate filing to an arbitration panel; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06291, F.S.; requiring residential property insurance and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; creating a Market Accountability Advisory Committee to assist the corporation in developing awareness of it rates and service levels; providing for membership of the committee; providing terms of office; requiring the committee to report to the corporation at each board meeting; revising the criteria and standards for establishing the rates charged for coverage by the corporation; providing that rates may not be increased by more than a specified percentage; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering

certain damaged property; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; amending s. 627.7015, F.S.; providing a penalty for an insurer that fails to notify a claimant of the availability of mediation procedures for resolving a disputed property insurance claim; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; amending s. 627.707, F.S.; revising requirements for insurers in investigating sinkhole claims; requiring that the insurer provide certain notification to the policyholder; requiring that the insurer engage an engineer and professional geologist; providing requirements for the insurer if a claim is denied; providing requirements if a sinkhole loss is verified; creating s. 627.7072, F.S.; providing testing standards for sinkholes; creating s. 627.7073, F.S.; providing requirements for reports issued by engineers and professional geologists; requiring certain reports and certifications to be issued to the policyholder and the insurer; requiring that the insurer file a copy of the report and certification with the county property appraiser to be recorded with the parcel number for the property; providing that there is no cause of action or liability against an insurer for filing such report and certification; creating s. 627.711, F.S.; requiring insurers to provide written notice to applicants and policyholders of the amount of the premium discounts and credits for fixtures and construction techniques that reduce the amount of windstorm loss; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; providing an appropriation and authorizing positions; providing effective dates.

—was read the second time by title.

SENATOR PRUITT PRESIDING

Senators Garcia and Alexander offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (361396)(with title amendment)—On page 10, line 21 through page 16, line 15, delete those lines and insert:

Section 3. Subsections (4) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(4) The establishment of any rate, rating classification, rating plan or schedule, or variation thereof in violation of part IX of chapter 626 is also in violation of this section. *In order to enhance the ability of consumers to compare premiums and to increase the accuracy and usefulness of rate-comparison information provided by the office to the public, the office shall develop a proposed standard rating territory plan to be used by all authorized property and casualty insurers for residential property insurance. In adopting the proposed plan, the office may consider geographical characteristics relevant to risk, county lines, major roadways, existing rating territories used by a significant segment of the market, and other relevant factors. Such plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. The plan may not be implemented unless authorized by further act of the Legislature.*

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. *An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.*

And the title is amended as follows:

On page 1, lines 26-28, delete those lines and insert: Catastrophe Fund; amending s. 627.0628, F.S.;

Senator Garcia moved the following amendments which were adopted:

Amendment 2 (893140)—On page 17, delete line 11 and insert: rate filing by the office or in any arbitration or

Amendment 3 (390484)(with title amendment)—On page 17, line 25 through page 18, line 5, delete those lines and insert:

Section 6. Section 627.06281, Florida Statutes, is created to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—Within 30 days after a written request for loss data and associated exposure data by the office or a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

And the title is amended as follows:

On page 2, lines 4 and 5, delete those lines and insert: public hearing; creating s. 627.06281, F.S.; requiring residential property insurers and

Senator Garcia moved the following amendment:

Amendment 4 (552756)(with title amendment)—On page 18, line 6 through page 40, line 10, delete those lines and insert:

Section 7. Paragraphs (a), (c), (d), and (q) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market,* all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness*. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action

would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *8* ~~7~~ individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~. *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year

and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. ~~However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges.~~ Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates ~~effective on or after July 1, 2004,~~ are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only ratemaking methodology, which methodology shall be contained in *each* ~~a~~ rate filing made by the corporation with the office ~~by January 1, 2004~~. If the office ~~thereafter~~determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only ratemaking methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. ~~The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only ratemaking methodology by January 31, 2004.~~

4. The provisions of subparagraph 2. do not apply to coverage provided by the corporation in any county for which the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to

coverage provided by the corporation in any county for which the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In such counties, the rates for personal lines residential coverage shall be actuarially sound and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies. Beginning October 1, 2005, and each 6 months thereafter, the office shall determine and identify those counties for which a reasonable degree of competition does not exist for purposes of subparagraphs 2. and 3., respectively.

5. Notwithstanding subparagraphs 2., 3., and 4., for personal lines residential policies and personal lines residential wind-only policies issued or renewed between July 1, 2005, and June 30, 2006, the maximum premium increase must be not greater than 5 percent of the premium for that policy in effect on June 30, 2005, as adjusted for coverage changes and seasonal-occupancy surcharges.

6.~~4.~~ Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

7.~~5.~~ Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

8.~~6.~~ The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of *this paragraph* ~~subparagraphs 1. and 2~~. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of *this paragraph* ~~subparagraphs 1. and 2.~~, it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

9.~~7.~~ In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

10.~~8.a.~~ To assist the corporation in developing additional ratemaking methods to assure compliance with *this paragraph* ~~subparagraphs 1. and 4.~~, the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

~~b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.~~

~~c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.~~

~~d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.~~

11.~~9.~~ ~~By January 1, 2004,~~ The corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier *except when the provisions of subparagraph 4. apply* and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

(q) The corporation shall ~~not~~ require the securing of flood insurance as a condition of coverage if the *property risk of the* insured or applicant *is located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency for the National Flood Insurance Program.* ~~executes a form approved by the office affirming that~~ Flood insurance is not provided by the corporation and ~~that if flood insurance is not secured by the applicant or insured in addition to coverage by the corporation,~~ the risk will not be covered for flood damage. A corporation policyholder *that does* ~~electing~~ not ~~to~~ secure flood insurance and *makes a claim* ~~executing a form as provided herein making a claim~~ for water damage against the corporation shall have the burden of proving the damage was not caused by flooding. Notwithstanding other provisions of this subsection, the corporation may deny coverage *or refuse to issue or renew a policy* to an applicant or insured who refuses *to purchase flood insurance as required by this subsection* ~~to execute the form described herein~~.

And the title is amended as follows:

On page 2, lines 9-28, delete those lines and insert: amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; deleting limitations on certain personal lines residential wind-only policies; deleting an obsolete reporting requirement; specifying nonapplication of certain policy requirements in counties lacking reasonable degrees of competition for certain policies under certain circumstances; specifying that rates may not be increased by more than a specified percentage; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; amending s.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 5 (793608)(with title amendment)—On page 18, line 6 through page 40, line 10, delete those lines and insert:

Section 7. Paragraphs (a), (c), and (q) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore,

to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market,* all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness*. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *8* ~~7~~ individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~. *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(q) The corporation shall ~~not~~ require the securing of flood insurance as a condition of coverage if the *property risk of the* insured or applicant *is located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency for the National Flood Insurance Program.* ~~executes a form approved by the office affirming that~~ Flood insurance is not provided by the corporation and ~~that if flood insurance is not secured by the applicant or insured in addition to coverage by the corporation,~~ the risk will not be covered for flood damage. A corporation policyholder *that does* ~~electing~~ not ~~to~~ secure flood insurance and *makes a claim* ~~executing a form as provided herein making a claim~~ for water damage against the corporation shall have the burden of proving the damage was not caused by flooding. Notwithstanding other provisions of this subsection, the corporation may deny coverage *or refuse to issue or renew a policy* to an applicant or insured who refuses *to purchase flood insurance as required by this subsection* ~~to execute the form described herein~~.

And the title is amended as follows:

On page 2, lines 9-22, delete those lines and insert: amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; creating s. 627.40951,

Senator Garcia moved the following amendments which were adopted:

Amendment 6 (621040)—On page 42, lines 11-22, delete those lines and insert:

(e) Is for residential property insurance and contains provisions that are unfair or inequitable or encourage misrepresentation.

(f)~~(e)~~ Is for health insurance, and:

1. Provides benefits that are unreasonable in relation to the premium charged.~~;~~

2. Contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation.~~;~~

3. Contains provisions that apply rating practices that result in unfair discrimination pursuant to s. 626.9541(1)(g)2.

Amendment 7 (134912)(with title amendment)—On page 42, line 30 through page 44, line 21, delete those lines and insert:

Section 10. Paragraphs (d) and (e) are added to subsection (2) of section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(d)1. Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.

2. However, an insurer or agent may cancel or nonrenew such a policy prior to the repair of the dwelling or residential property:

a. Upon 10 days' notice for nonpayment of premium; or

b. Upon 45 days' notice:

(I) For a material misstatement or fraud related to the claim;

(II) If the insurer determines that the insured has unreasonably caused a delay in the repair of the dwelling; or

(III) If the insurer has paid policy limits.

3. If the insurer elects to nonrenew a policy covering a property that has been damaged, the insurer shall provide at least 90 days' notice to the insured that the insurer intends to nonrenew the policy 90 days after the dwelling or residential property has been repaired. Nothing in this paragraph shall prevent the insurer from canceling or nonrenewing the policy 90 days after the repairs are complete for the same reasons the insurer would otherwise have canceled or nonrenewed the policy but for the limitations of subparagraph 1. The Financial Services Commission may adopt rules, and the Commissioner of Insurance Regulation may issue orders, necessary to implement this paragraph.

4. This paragraph shall also apply to personal residential and commercial residential policies covering property that was damaged as the result of Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances, Hurricane Ivan, or Hurricane Jeanne.

(e) If any cancellation or nonrenewal of a policy subject to this subsection is to take effect during the duration of a hurricane as defined in s. 627.4025(2)(c), the effective date of such cancellation or nonrenewal is extended until the end of the duration of such hurricane. The insurer may collect premium at the prior rates or the rates then in effect for the period of time for which coverage is extended. This paragraph does not apply to any property with respect to which replacement coverage has been obtained and which is in effect for a claim occurring during the duration of the hurricane.

And the title is amended as follows:

On page 3, line 7, following the semicolon (;) insert: extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premiums for the extended period; providing nonapplication;

Senator Garcia moved the following amendment:

Amendment 8 (113790)(with title amendment)—On page 49, line 15 through page 52, line 30, delete those lines and insert:

Section 12. Effective October 1, 2006, subsections (3), (4), (8), and (9) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, are amended to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane ~~or wind~~ losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane ~~or wind~~ losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane ~~or wind~~ losses no higher than *10* ~~5~~ percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane ~~or wind~~ losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, or prior to the first renewal of a residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, the insurer must offer alternative deductible amounts applicable to hurricane ~~or wind~~ losses equal to $500*,* ~~and~~ 2 percent*, 5 percent, and 10 percent* of the policy dwelling limits, unless the *specific percentage* ~~2 percent~~ deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains up to a 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane ~~or wind~~ deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the *other* ~~2 percent~~ hurricane *deductibles* ~~or wind deductible~~ as required by subparagraph 1.

~~(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this~~

~~subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.~~

(4)*(a)* Any policy that contains a separate hurricane deductible must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR HURRICANE LOSSES, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU." A policy containing a coinsurance provision applicable to hurricane losses must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A CO-PAY PROVISION THAT MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU."

(b) Beginning October 1, 2005, for any personal lines residential property insurance policy containing a separate hurricane deductible, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

(c) Beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice. In addition, beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall notify the policyholder of the possibility that the hurricane deductible may be higher than indicated when loss occurs due to application of the inflation guard rider. Such notification shall be made on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

And the title is amended as follows:

On page 3, line 26, following the semicolon (;) insert: providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies;

Senator Garcia moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A (193818)—On page 1, line 18, delete "2006" and insert: 2005

Amendment 8 as amended was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 9 (762044)(with title amendment)—On page 54, between lines 2 and 3, insert:

Section 13. Subsection (5) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, is amended to read:

627.701 Liability of Insureds; coinsurance; deductibles.—

(5)*(a)* The hurricane deductible of any *personal lines* residential property insurance policy *issued or renewed on or after May 1, 2005,* shall be applied as follows:

1.~~(a)~~ The hurricane deductible shall apply on an annual basis to all covered hurricane losses that occur during the calendar year for losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group.

2.~~(b)~~ If a hurricane deductible applies separately to each of one or more structures insured under a single policy, the requirements of this *paragraph* ~~subsection~~ apply with respect to the deductible for each structure.

3.~~(c)~~ If there was a hurricane loss for a prior hurricane or hurricanes during the calendar year, the insurer may apply a deductible to a subsequent hurricane *which* ~~that~~ is the greater of the remaining amount of the hurricane deductible or the amount of the deductible that applies to perils other than a hurricane. Insurers may require policyholders to report hurricane losses that are below the hurricane deductible or to maintain receipts or other records of such hurricane losses in order to apply such losses to subsequent hurricane claims.

4.~~(d)~~ If there are hurricane losses in a calendar year on more than one policy issued by the same insurer or an insurer in the same insurer group, the hurricane deductible shall be the highest amount stated in any one of the policies. If a policyholder who had a hurricane loss under the prior policy is provided or offered a lower hurricane deductible under the new or renewal policy, the insurer must notify the policyholder, in writing, at the time the lower hurricane deductible is provided or offered, that the lower hurricane deductible will not apply until January 1 of the following calendar year.

(b) For commercial residential property insurance policies issued or renewed on or after January 1, 2006, the insurer must offer the policyholder the following alternative hurricane deductibles:

1. A hurricane deductible that applies on an annual basis as provided in paragraph (a); and

2. A hurricane deductible that applies to each hurricane.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane;

Amendment 10 (961224)(with title amendment)—On page 56, delete line 10 and insert:

(4) Any homeowner's insurance policy issued or renewed on or after October 1, 2005, must include in bold type no smaller than 18 points the following statement:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

The intent of this subsection is to encourage policyholders to purchase sufficient coverage to protect them in case events excluded from the standard homeowners policy, such as law and ordinance enforcement and flood, combine with covered events to produce damage or loss to the insured property. The intent is also to encourage policyholders to discuss these issues with their insurance agent.

(5)~~(3)~~ Nothing in this section shall be construed to

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: requiring certain homeowner's insurance policies to contain a specified statement; providing intent;

Amendment 11 (445952)(with title amendment)—On page 56, line 19 through page 57, line 8, delete those lines and insert:

Section 14. Effective July 1, 2005, subsections (1) and (7) of section 627.7015, Florida Statutes, are amended, and subsection (2) of that section is reenacted, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(1) PURPOSE AND SCOPE.—This section sets forth a nonadversarial alternative dispute resolution procedure for a mediated claim resolution conference prompted by the need for effective, fair, and timely handling of property insurance claims. There is a particular need for an informal, nonthreatening forum for helping parties who elect this procedure to resolve their claims disputes because most homeowner's *and commercial residential* insurance policies obligate insureds to partici-

pate in a potentially expensive and time-consuming adversarial appraisal process prior to litigation. The procedure set forth in this section is designed to bring the parties together for a mediated claims settlement conference without any of the trappings or drawbacks of an adversarial process. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. This section is available with respect to claims under personal lines *and commercial residential* policies for all claimants and insurers prior to commencing the appraisal process, or commencing litigation. If requested by the insured, participation by legal counsel shall be permitted. Mediation under this section is also available to litigants referred to the department by a county court or circuit court. This section does not apply to commercial coverages, to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages in policies of property insurance.

(2) At the time a first-party claim within the scope of this section is filed, the insurer shall notify all first-party claimants of their right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation under this section.

(7) *If the insurer fails to comply with subsection (2) by failing to notify a first-party claimant of its right to participate in the mediation program under this section or* if the insurer requests the mediation, and the mediation results are rejected by either party, the insured shall not be required to submit to or participate in any contractual loss appraisal process of the property loss damage as a precondition to legal action for breach of contract against the insurer for its failure to pay the policyholder's claims covered by the policy.

And the title is amended as follows:

On page 4, lines 2-6, delete those lines and insert: property; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing that failure of an insurer to notify a claimant of the availability of mediation excuses an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.;

Senator Klein moved the following amendment:

Amendment 12 (561202)(with title amendment)—On page 57, lines 9-29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 6-9, delete those lines and insert: insurance claims;

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 13 (393700)(with title amendment)—On page 57, lines 12-29, delete those lines and insert:

(1)*(a)* In the event of the total loss of any building, structure, mobile home as defined in s. 320.01(2), or manufactured building as defined in s. 553.36(12), located in this state and insured by any insurer as to a covered peril, in the absence of any change increasing the risk without the insurer's consent and in the absence of fraudulent or criminal fault on the part of the insured or one acting in her or his behalf, the insurer's liability~~, if any,~~ under the policy for such total loss*, if caused by a covered peril,* shall be in the amount of money for which such property was so insured as specified in the policy and for which a premium has been charged and paid.

(b) The intent of this subsection is not to deprive an insurer of any proper defense under the policy, to create new or additional coverage under the policy, or to require an insurer to pay for a loss caused by a peril other than the covered peril. In furtherance of such legislative intent, when a loss was caused in part by a covered peril and in part by a noncovered peril, paragraph (a) does not apply. In such circumstances, the insurer's liability under this section shall be limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, paragraph (a) shall apply. The insurer is never liable for more than the amount necessary to repair, rebuild, or replace the structure following the total loss, after considering all other benefits actually paid for the total loss.

(c) It is the intent of the Legislature that the amendment to this section shall not be applied retroactively and shall apply only to claims filed after effective date of such amendment.

And the title is amended as follows:

On page 4, line 9, after the semicolon (;) insert: providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril;

Senator Garcia moved the following amendment:

Amendment 14 (711894)(with title amendment)—On page 59, line 8 through page 64, line 14, delete those lines and insert: *sinkhole activity as well as other potential geologic causes of damage to the structure.*

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 17. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 18. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a)~~ ~~Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss until such time as expenses related to land and building stabilization and foundation repairs are incurred.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073*~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 19. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 20. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 11 through page 5, line 1, delete those lines and insert: insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.;

Senator Garcia moved the following substitute amendment:

Amendment 15 (310140)(with title amendment)—On page 58, line 15 through page 64, line 14, delete those lines and insert:

(b)~~(2)~~ "*Sinkhole* loss" means structural damage to the building*, including the foundation, caused by sinkhole activity*. Contents coverage shall apply only if there is structural damage to the building *caused by sinkhole activity*.

(c)~~(3)~~ "Sinkhole *activity* ~~loss~~" means ~~actual physical damage to the property covered arising out of or caused by sudden~~ settlement or *systematic weakening* ~~collapse~~ of the earth supporting such property only when such settlement or *systematic weakening* ~~collapse~~ results from *movement or raveling of soils, sediments, or rock materials into* subterranean voids created by the *effect* ~~action~~ of water on a limestone or similar rock formation.

(d) "Engineer" means a person, as defined in s. 471.005, who has a bachelor degree or higher in engineering with a specialty in the geotechnical engineering field. An engineer must have geotechnical experience and expertise in the identification of sinkhole activity as well as other potential causes of damage to the structure.

(e) "Professional geologist" means a person, as defined by s. 492.102, who has a bachelor degree or higher in geology or related earth science with expertise in the geology of Florida. A professional geologist must have geological experience and expertise in the identification of sinkhole activity as well as other potential geologic causes of damage to the structure.

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 17. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 18. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a)~~ ~~Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has

been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss, not including underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs. After the policyholder enters into the contract, the insurer shall pay the amounts necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073*~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 19. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 20. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing

and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 11 through page 5, line 1, delete those lines and insert: insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.;

Senator Smith moved the following amendment to **Amendment 15** which failed:

Amendment 15A (291212)(with title amendment)—On page 6, lines 9-26, delete those lines and insert:

(5) If a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

And the title is amended as follows:

On page 11, delete line 10 and insert: insurers; requiring the

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment to **Amendment 15** which was adopted:

Amendment 15B (415094)—On page 6, line 26, after the period (.) insert: *If repair has begun and the engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the engineer's recommended repair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.*

Amendment 15 as amended was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 16 (442314)(with title amendment)—On page 64, lines 19-29, delete those lines and insert: *mitigation.—Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.*

And the title is amended as follows:

On page 5, lines 2-7, delete those lines and insert: requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules;

Amendment 17 (382036)(with title amendment)—On page 65, between lines 26 and 27, insert:

Section 22. *The Office of Insurance Regulation shall, by January 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include findings and recommendations on requiring residential property insurers to provide law and ordinance coverage for residential property insurance policies, the increase or decrease in insurance costs associated with requiring such coverage, and such other related information as the Office of Insurance Regulation determines is appropriate for the Legislature to consider.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 11, after the semicolon (;) insert: requiring the Office of Insurance Regulation to submit a report to the Legislature relating to residential property insurance; providing report requirements;

Amendment 18 (892816)(with title amendment)—On page 65, line 27 through page 66, line 2, delete those lines and insert:

Section 22. *Notwithstanding that revenues of Citizens Property Insurance Corporation are not state revenues, the Auditor General shall perform an operational audit, as defined in section 11.45(1), Florida Statutes, of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes. The scope of the audit shall also include:*

(1) An analysis of the corporation's infrastructure, customer service, claims handling, accessibility of policyholder information to the agent of record, take-out programs, take-out bonuses, and financing arrangements.

(2) An evaluation of costs associated with the administration and servicing of the policies issued by the corporation to determine alternatives by which costs can be reduced, customer service improved, and claims handling improved.

The audit shall contain policy alternatives for the Legislature to consider. The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2006.

Section 23. *The board of governors of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes, shall, by February 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include the board's findings and recommendations on the following issues:*

(1) The number of policies and the aggregate premium of the Citizens Property Insurance Corporation, before and after enactment of this act, and projections for future policy and premium growth.

(2) Increases or decreases in availability of residential property coverage in the voluntary market and the effectiveness of this act in improving the availability of residential property coverage in the voluntary market in the state.

(3) The board's efforts to depopulate the corporation and the willingness of insurers in the voluntary market to avail themselves of depopulation incentives.

(4) Further actions that could be taken by the Legislature to improve availability of residential property coverage in the voluntary and residual markets.

(5) Actions that the board has taken to restructure the corporation and recommendations for legislative action to restructure the corporation, including, but not limited to, actions relating to claims handling and customer service.

(6) Projected surpluses or deficits and possible means of providing funding to ensure the continued solvency of the corporation.

(7) The corporation's efforts to procure catastrophe reinsurance to cover its projected 100-year probable maximum loss with specification as to what best efforts were made by the corporation to procure such reinsurance.

(8) Such other issues as the board determines are worthy of the Legislature's consideration.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, following the semicolon (;) insert: specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements;

Amendment 19 (164992)(with title amendment)—On page 66, between lines 8 and 9, insert:

Section 24. *The amendment to section 627.0628, Florida Statutes, and the creation of section 627.06281, Florida Statutes, as provided in this act shall take effect on the same date that House Bill 1939, Senate Bill 1478, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 15, following the semicolon (;) insert: providing a contingent effective date;

Pursuant to Rule 4.19, **CS for CS for SB 1488** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **HB 1939** was withdrawn from the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 1478** and read the second time by title.

Pursuant to Rule 4.19, **HB 1939** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, May 6.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 6.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 5, 2005: SB 2668, CS for SB 2680, SB 2774, SB 2778, HB 225, HB 619, HB 669, HB 721, HB 723, HB 725, HB 733, HB 749, HB 753, HB 755, HB 765, HB 767, HB 777, HB 783, HB 801, HB 803, HB 857, HB 859, HB 899, HB 923, HB 939, HB 957, HB 969, HB 987, HB 999, HB 1043, HB 1045, HB 1047, HB 1053, HB 1077, HB 1079, HB 1153, HB 1167, HB 1183, HB 1203, HB 1243, HB 1245, HB 1253, HB 1291, HB 1309, HB 1321, HB 1329, HB 1335, HB 1355, HB 1359, HB 1361, HB 1381, HB 1419, HB 1421, HB 1423, HB 1425, HB 1429, HB 1433, HB 1477, HB 1479, HB 1487, HB 1515, HB 1537, HB 1555, HB 1657, HB 1677, HB 1685, HB 1705, HB 1707, HB 1793, HB 1829

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1935 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary; and Representative Simmons and others—

HB 1935—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that a list of attorneys compiled by the Eleventh Judicial Circuit provide certain information on assigned attorneys; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; specifying certain information to be contained in a report by the Eleventh Judicial Circuit; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for attorney's

fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; revising fee payment provisions; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring the circuit Article V indigent services committee to establish the compensation rates for court-appointed counsel or in cases of indigency; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; providing application requirements; requiring an application fee; providing for transfer and deposit of such fees into the Indigent Criminal Defense Trust Fund to be used for certain purposes; authorizing clerks of courts to retain a portion of the fees for certain purposes; prescribing duties of the clerk of court and the public defender relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk on the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; providing criteria and requirements for such determination; requiring certain parents or legal guardians to furnish legal services and costs to certain persons relating to delinquency proceedings or criminal prosecutions; providing for imposition of a lien for certain liabilities and lien enforcement; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; requiring certain private court-appointed counsel to enter into a uniform contract with Justice Administrative Commission and use the commission's uniform procedures and form for certain billing purposes; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings using certain equipment; entitling private court-appointed counsel to compensation upon final disposition; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring a county or municipality to pay certain costs for due-process services in local ordinance violation cases; prescribing assessment of fees to recover such costs; providing for determination and collection of such fees; amending s. 28.24, F.S.; requiring the clerk of the court to charge for certain recording services and performing certain duties; requiring the clerk of the court to provide without charge copies to court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; providing an exception to the designation of the clerk of court as custodian of official records; amending s. 28.2402, F.S.; prohibiting a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting a filing fee for initiating certain enforcement proceedings; excluding certain counties having a consolidated government from the term "municipality"; amending s. 28.245, F.S.; requiring the clerks of the court to remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference to the Florida Clerks of Court Operations Corporation; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; requiring the clerk to enter into a payment plan with certain persons; providing payment plan criteria; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a cross reference; conforming a reference to the Chief Financial Officer; providing conditions and requirements by which the Legislative Budget Commission may approve adjustments to the clerk's maximum annual budget for court-related duties; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.005, F.S.; deleting certain appointed mental health professionals from elements of state attorneys' offices provided from state revenues; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; requiring the Justice Administrative Commission to adjust certain allocations of funds among circuits under certain circumstances; requiring notice of such adjustment; requiring the commission to request a budget amendment under certain circumstances to address budget deficits relating to due-process services; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process services; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; prohibiting the provision of due process services with state revenues to individuals under certain circumstances; amending s. 34.045, F.S.; proscribing a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting assessment of a filing fee for initiating certain enforcement proceedings in county court; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment of a filing fee; amending s. 34.191, F.S.; excluding certain counties having a consolidated government from the term municipality; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; authorizing the commission to petition the court for certain additional documentation; amending s. 39.821, F.S.; requiring the Guardian Ad Litem Program rather than the chief judge to request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; providing a definition; amending s. 40.29, F.S.; revising procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; removing the Judicial Qualifications Commission from the duties of the Justice Administrative Commission and adding the Guardian ad Litem Program; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; providing responsibilities of the chief judge of each circuit; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; providing a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination and appointment of a private attorney in certain civil cases; providing application requirements; prescribing duties of the clerk of court relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk of the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing a court to determine a person indigent and eligible for appointed counsel; providing criteria and requirements for such determination; requiring persons determined to be indigent for civil proceedings to be enrolled in a

payment plan and charged an administrative processing charge; providing plan criteria; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing a reference to the Article V Indigent Services Advisory Board; amending s. 110.205, F.S.; specifying that members, officers, and employees of the Justice Administrative Commission and certain related organizations are exempt positions under career service provisions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; authorizing sheriffs and clerks of the courts to pay certain deposited or collected funds into a specific fine and forfeiture fund; requiring the clerk to pay for the cost of publication of the list of unclaimed court-related funds; requiring unclaimed funds to be deposited into the fine and forfeiture fund; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the court-related collections remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments; amending s. 219.07, F.S.; revising disbursement requirements for the clerk as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; specifying that certain surcharges may not be added to civil traffic penalties; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring the clerk of the court to quarterly report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing certain local governments to impose by ordinance a surcharge on any infraction or violation in addition to certain noncriminal traffic infractions and certain criminal violations; providing for transfer of revenues from such surcharge for certain purposes; prohibiting a court from waiving the surcharge; providing for repeal; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain counties having a consolidated government or unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 328.32, F.S.; providing additional limitation on a hearing officer's authority; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing clerks of circuit courts to enter into contracts or interagency agreements to represent the clerk in certain actions; providing that the clerk is the real party in interest for all appeals arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees, court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; revising requirements for the payment of experts; specifying which fees are to be paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; requiring evaluation of a defendant; providing criteria; authorizing a court to commit a defendant or take other action under certain circumstances; amending s. 916.301, F.S.; requiring the court to pay for certain expert witnesses appointed by the court; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain costs or fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 939.185, F.S.; authorizing certain local governments to impose by ordinance in addition to certain court costs and other costs, fines, and penalties imposed by law a surcharge to be imposed by court on persons pleading guilty or nolo contendere to certain criminal offenses; providing for transfer of revenues from such surcharge for certain purposes; providing for repeal; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring the party calling a witness in traffic court to bear the costs; requiring the office of the state attorney to pay such costs if the witness is required to testify on behalf of the prosecution; authorizing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing for deposit of such funds; authorizing the trial court administrator to recover certain costs under certain circumstances; requiring the chief judge to determine the rate, which may not exceed the cost of the service and recovery; providing legislative intent for revisions to ss. 28.2402, 34.191, and 318.21, F.S.; revising the maximum annual budget amount for the Clerk of the Circuit Court, Miami-Dade County; repealing s. 29.014, F.S., relating to the Article V Indigent Service Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing exceptions; providing for administration by the clerk of the circuit court; authorizing the clerk of the circuit court to retain a specified percentage of the assessments collected; requiring the teen court to account for all funds received; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to administer a teen court program; prohibiting teen courts in counties adopting an ordinance from receiving court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing appropriations; providing effective dates.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 360 , with amendment, and acceded to the request of the Senate for the appointment of a conference committee for CS for CS for CS for SB 360.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Johnson, Chair, and Reps. Goodlette, Henriquez, and Russell.

John B. Phelps, Clerk

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; revising the requirements and criteria for establishing a rural land stewardship area; revising the requirements for designating a stewardship receiving area to address listed species; revising requirements for an ordi-

nance adopting a plan amendment to create a rural land stewardship area; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; providing an exception; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; providing an exception; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing exemptions; providing concurrency exemption for certain DRI projects; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; 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; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 163.3174, F.S.; allowing municipalities in charter counties the option to exercise exclusive land use planning authority under certain circumstances; creating s. 166.31, F.S.; authorizing the governing authority of a municipality to levy a surtax on documents pursuant to an ordinance approved by the electors of the municipality; requiring that the proceeds from the surtax be expended for infrastructure improvements; requiring that an advisory board be created to recommend infrastructure projects; providing requirements for developing, amending, and adopting a list of infrastructure projects; requiring notice and public hearings; requiring that the advisory board monitor the expenditure of the surtax proceeds; requiring the governing authority to notify the Department of Revenue of the imposition of the surtax; authorizing the department to retain a portion of the proceeds for administrative costs; requiring that a municipality levying the surtax file certain financial reports; amending s. 201.15, F.S.; providing for the expenditure of certain excise taxes on documents; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; specifying the evidentiary standard a local government must meet when defending a challenge to an ordinance establishing an impact fee; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; providing effective dates.

Pursuant to Rule 7.6, **House Amendment 1 (882799)** constituted an entirely new bill and was not published in the Journal.

CONFEREES APPOINTED

The President appointed the following Senators to the Conference Committee: Senator Bennett, Chair, and Senators Dockery, Miller and Webster.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1922 and CS for CS for SB 2502.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 77, HB 113, HB 209, HB 233, HB 255, HB 385, HB 517, HB 835, HB 913, HB 925, HB 955, HB 977, HB 1001, HB 1019, HB 1041, HB 1389, HB 1527, HB 1589 and HB 1591, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senators Dockery—CS for SB 798; Lynn—SB 308, CS for CS for SB 778, CS for CS for SB 2550; Posey—SB 96, SB 362, SB 364, SB 524, SB 668, SB 816, SB 980, SB 1124, SB 2008, CS for SB 2352; Wilson—CS for CS for SB 186,CS for SB 276, SB 288, CS for CS for SB 428, CS for SB 476, SB 642, CS for SB 768, CS for CS for SB 778, CS for SB 896, CS for SB 898

RECESS

On motion by Senator Pruitt, the Senate recessed at 8:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 6 or upon call of the President.

BILL ACTION SUMMARY

THURSDAY, MAY 5, 2005

S	166	Concurred; Passed as amended 39-0
S	342	Read second time
S	360	Conference Committee appointed: Senators Bennett, Chair Webster, Dockery, Miller
S	434	Concurred; CS passed as amended 39-0
S	526	Read third time; CS passed as amended 39-0
S	662	Refused to concur in 1 amendment(s); Amendment(s) to House amendment(s) adopted; Concurred in House amendment(s) as amended; CS passed as amended 37-0
S	758	Refused to concur, requested House to recede
S	908	Concurred; Passed as amended 39-0
S	1062	Read third time; CS passed as amended 39-0
S	1144	Concurred; CS passed as amended 39-0
S	1146	Concurred; CS passed as amended 39-0
S	1168	Concurred; CS passed as amended 39-0
S	1180	Concurred; CS passed as amended 39-0
S	1184	Read third time; CS passed as amended 39-0
S	1412	Concurred; CS passed as amended 39-0
S	1450	Read third time; Passed as amended 39-0
S	1456	Read third time; CS passed 31-8
S	1476	Concurred; CS passed as amended 39-0
S	1478	Substituted HB 1939; Laid on Table, refer to HB 1939
S	1488	Read second time
S	1740	Adopted
S	1820	Read third time; Passed as amended 39-0
S	1912	Read third time; CS passed as amended 39-0
S	2032	Substituted HB 1813; Laid on Table, refer to HB 1813
S	2070	Read second time
S	2144	Concurred; CS passed as amended 39-0
S	2254	Read third time; CS passed as amended 38-1
S	2348	Read third time; CS passed 28-11
S	2432	Read third time; CS passed as amended 33-6
S	2480	Read second time; Substituted HCB 6007; Laid on Table, refer to HCB 6007
S	2502	Read third time; CS passed as amended 39-0
S	2542	Read third time; Substituted HB 1935; Laid on Table, refer to HB 1935
S	2564	Read second time
S	2566	Read second time; Substituted HB 1931; Laid on Table, refer to HB 1931
S	2568	Read second time
S	2574	Concurred; Passed as amended 39-0
S	2610	Concurred; CS passed as amended 39-0
S	2784	Adopted
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H	1931	Substituted for CS for SB 2566; Read second time
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H	6007	Substituted for CS for CS for SB 2480; Read second time

The following local bills were passed: SB's 2668, 2680, 2774, and 2778 as amended, and HB's 225, 619, 669, 721, 723, 725, 733, 749, 753, 755, 765, 767, 777, 783, 801, 803, 857, 859, 899, 923, 939, 957, 969, 987, 999, 1043, 1045, 1047, 1053, 1077, 1079, 1153, 1167, 1183, 1203, 1243, 1245, 1253, 1291, 1309, 1321, 1329, 1335, 1355, 1359, 1361, 1381, 1419, 1421, 1423, 1425, 1429, 1433, 1477, 1479 as amended, 1487, 1515, 1537, 1555, 1657, 1677, 1685, 1705, 1707, 1793, and 1829.

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May 5, 2005

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